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PARLIAMENTARY RIGHT  
MAINTAIN'D  
OR THE  
HANOVER SUCCESSION  
JUSTIFY'D. WHEREIN  
The Hereditary Right to the Crown  
of ENGLAND ASSERTED &c. *K*

Is Consider'd, in III. Parts.

*The I<sup>st</sup>. Examins the Plea from Scripture.*

*The II. That from the Laws & History of England, for Indefeasible Right, Nonresistance & Disposition of the Crown by Will.*

*The III. Whether the Parliament, can repeal the Hanover Succession, as now Establish'd by the Treaty of Union.*

WITH

Reflections on the Treasonable Schemes of the Party, as they  
occur in their Book: & Particularly that of  
**A NEW LURKING PRETENDER.**

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Consistere simul non possunt, Voluntas imperandi, & Voluntas perdendi, quare qui se hostem totius populi profiteatur, is eo ipso abdicat regnum. Grot. de Jur. Bell. Lib. I. Cap. 4. §. II.

Si controversi juris sit Successio, non abs re erit populum saum super ea re sensum exprimere, qui, sequendus erit. Id. Lib. 2. Cap. 7. §. 27.

Desinit obligatio, & fidem non servanti, fidem quoque non servari æquum est. Althus. polit. c. 38. II. 40.

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Printed in 1714.

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THE COMMONS OF GREAT BRITAIN

IN PARLIAMENT ASSEMBLED

IN ANSWER TO A RESOLUTION PASSED BY THE HOUSE OF COMMONS

IN THE YEAR 1781

ON THE PETITION OF THE

INhabitants of the

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## To the Honourable

Esq. Member of Parliament.

Sr.

**I** Here send you my thoughts upon a late Book Intitl'd, *The Hereditary Right of the Crown of England asserted, &c.* I know you don't expect, That I should go thro' all the Particulars of so large a Volume, since there is no Manner of Necessity for it, most of them are so litle to the Purpose; Therefore I content myself with attacking their Foundations. I begin with what they call *The Divine Indefeasible Hereditary Right*, because this is the Notion, by which some of our Clergy delude Multitudes of unthinking People, make them believe it is Damnable to be of another Opinion; & their Indispensible Duty, to oppose every Thing that is contrary to it.

But these Authors manage their Plea of Divine Right so weakly, as plainly shews their unskillfullness in the Argument, or that they don't believe one Word of it, but some Thing they must say, to debauch the People from the Hanover Succession; & to please their great *Macenas* who set them to Work.

Had they been Men of Candor, they should have answer'd what has been so learnedly writ on this Head, by Coll. Sidney, Mr. Lock, Mr. Hoadly & others, but particularly a Piece that came out, near three Years ago, call'd, *The History of Hereditary Right*, wherein its Indefeasibleness, & all other just late Doctrines concerning the absolute Power of Princes, & the unlimited obedience of subjects, are fully & fairly determin'd by the Scripture standard. They ought to have Answer'd this Piece, because it is writen professedly on the subject, & handles it with more Judgement & Exactness, than any Thing I have yet seen, & has Never had any Reply.

I divide this Book into three Parts, That I may with some sort of Method, attack the Rambling Book, call'd *Hereditary Right* & the three Main Things which the Authors have in View.

In the 1<sup>st</sup>. Part, I give a brief History of the Jewish Constitution, & Kings. I consider what is said about Government in General, in the Old & New Testament, & make such Applications, as naturally arise from the Subject, in Defence of the late

Revolution, & the Hanover Succession, which I take to be fully Justify'd, by Scripturall Precepts, & approv'd Examples. By this search I am fully convinc'd that our British Constitution, is as near to that, which God himself did Institute for the Jews, (what was Ceremonial & Peculiar excepted,) as any in the World, & I am satisfy'd, that there's no Foundation in Scripture, for the Modern Doctrines of Divine Indefeasible Hereditary Succession, & unlimited Nonresistance, but on the Contrary, That the People have a Right to chuse & Limit their Princes, & not only to Resist, but also to Depose them, & their Posterity, for Tyranny & Idolatry, & to settle the Succession on others, with a Limited Hereditary Right, upon such Conditions, as may secure the Religion, & Liberty of the Subject. I likewise find it plain from Scripture History, That the Peoples setting up, or concurring with Idolatrous & Tyrannical Princes, has alwayes brought the Judgments of God upon both, & if obstinately persisted in, concluded in the final Destruction of them & their Kings.

In the II<sup>d</sup>. Part, I have examin'd whether there be any Ground, in our Laws, & History, for Indefeasible Hereditary Right, Nonresistance, & the Power of our Sovereigns to Dispose of the Crown by Will. I have gone through the Succession of our Kings from the Beginning of our Monarchy to this present Time, & presume to have made it evident; That never one of them came to the Throne, but either by immediate Consent of the States, or by Virtue of Parliamentary Entails, & That by the Original Institution, & whole Course of our Government, our Parliaments have been constantly possess'd of a Power, to call Tyrannical Princes to an Account, & to settle the Succession, so as was judg'd most convenient for the Good of the Nation. In considering this Part, I found our Authors guilty almost every where of falsifying History & Law, tho' they pretend to write by Records, & to deal mightily in Law Cases. Their Performance is so full of Confusion, Treasonable, & Barbarous Schemes, for destroying the whole Revolution Party, & wiping out the Publick Debts with a sponge, that I was perfectly amaz'd at their Impudence, & Astonish'd, That Men who call themselves Christians, should defend such

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a System as is here lay'd down, for swearing pro & con, & playing fast & loose with Oaths to God & the Government. But what is more singular, was, to find, That tho by the Title, & many Places of the Book, it would seem to be chiefly writ for the St. Germans Pretender, yet as the Plea is manag'd, the Directors of this Work seem plainly to have a Lurking Claimant in View, & design to make Bubbles of the Other & his Party if they can, after they have serv'd their Ends of them. I have here examin'd what they say to prove that Henry 8ths. Will by which he excluded the Scots Line, was duly Executed, and I conceive have made it Evident that it never was. So that it can be of no Use to the Design of our Authors, in setting up new Competitors, against, her Majesty & the House of Hanover: & I have taken Occasion to shew the Insolence & Treason of the Faction in proposing such an Act as Impower'd Hen. 8. to dispose of the Crown by Will, as a Pattern fit to be Imitated Now.

In the 3d. Part, I have enter'd upon the Question, whether the Parliament of Great Britain, can according to our present Constitution by the Treaty of Union, set aside the Hanover Succession, & humbly conceive, to have prov'd by very good Authorities & Arguments that they cannot.

I know Sr. that you are so good a Christian & Patriot, that you don't, think it below your Quality, tho superior to many who swell with Pompous Titles, to Study the Sacred Scriptures, & the Constitution of your Countrey.

Therefore since you are very well vers'd in both, I do the more cheerfully submit, my hasty Thoughts to your correction, not doubting that you will easily pardon my Defects, especially considering that I am far from being so well provided at present with Books & other Helps for such an undertaking, as you have sometime known me to be. I am

Sr.

Yours &c.

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The Reader is desired to excuse some other Mistakes  
 in Letters & points of less Moment





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T H E  
HANOVER SUCCESSION  
JUSTIFY'D &c.

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P A R T I.

*The Plea from Scripture*, for Divine Indefeasible Hereditary Right to the Succession of Crowns, & Unlimited Passive Obedience to Princes &c. briefly examin'd.

**I**Might begin with the Patriarchs and Judges, but shall go no higher than the time when God gave the Israelites a King in the person of Saul, for that at once makes void all the Plea from patriarchal Succession, and shews that God had no Regard to it, when he appointed one to be King who was of a mean Family with Respect to Descent, & of the Youngest Tribe in Israel. 1 Sam. x. 19 to 25.

Yet tho God appointed him, he had so much Regard to the Peoples Right of Election, in order to be a Precedent for future times, that he gave them the Liberty to choose the Tribe, and the Person by Lot; tho no doubt he influenced their will by his Divine Power; as well as he did the Lot, to fall in with his own Nomination.

A

And

And to make it plain that God never design'd he should rule arbitrarily, but according to Law, Samuel told the People the Manner of the Kingdom, wrote it in a Book, and layd it up before the Lord, 1 Sam. x: 25.

Now what this Manner of the Kingdom was, we find in Deut. viz. „ That he should not multiply Horses to „ himself, nor cause the People to return to *Egypt*, i. e. „ that he must not keep up a standing Army, nor force „ them to Idolatry and Slavery. That he should not multiply Wives, lest his Heart should be turn'd away by „ them to Idolatry: Nor was he greatly to multiply to „ himself Silver and Gold, i. e. oppress the People by „ Arbitrary Taxes; and when he came to the Throne, „ he was to write him a Coppy of this Law in a Book, „ out of that which was in the Custody of the Priests, „ that he might read there in all his dayes, learn to fear „ the Lord, and observe all his Statutes: That his Heart „ should not be lifted up above his Brethren, nor „ was he to turn aside from the Commandment, to the „ Right or to the Left, that so he might prolong his „ dayes in his Kingdom, he and his children in the midst „ of Israel. Deut. xxi: 14. to the end.

This was the *Original Contract* which God himself appointed betwixt the People of Israel & their Kings, who were not allow'd the least Power to dispense with it on Pretence of Royall Prerogative; nor were the Subjects at Liberty to choose a prince of a different Religion, from that which God himself had appointed, but he must be one of their Brethren, and not a stranger or alien from the Commonwealth of Israel because all such in those times did worship strang Gods. Deut. xxi: 15.

It is in vain for the Champions of Arbitrary Power to alledge in favour of an unlimited Prerogative, what Samuel says of the Manner of their King. viz. „ That he „ would take their Sons, and appoint them to be his „ Charioteers, Horsemen and running Footmen, Cap- „ tains, Labourers, & Mechanicks to make him Arms. „ That he would take their Daughters to be his Confecti-

„ on-

„ onaries, Cooks, and Bakers, and not only so, but that  
 „ he would take the best of their Vineyards, and Olive  
 „ yards, and the tenth of their Seed, Sheep, and Wine;  
 „ and give them to his Officers and Servants; & the  
 „ goodliest of their young Men; Children & Ser-  
 „ vants of both sexes, together with their Asses, and  
 „ employ them in his own Harvest Work, and other  
 „ Drudgery; and in short, make all the People his Ser-  
 „ vants, which we know by Samuel's Prophecy of Saul's  
 „ Tyranny, was a synonymous Word for Slaves. 1. Sam.  
 „ VIII. 11 to 19.

It is in vain I say for those Men to pretend that this was the Prerogative which the King was to enjoy by divine Right, for that were to make God contradict himself, and the *Original Contract* mention'd above. Besides Samuel tells them plainly that this would be the Effect of the Tyranny of their Princes, whom they would needs have set over them, according to the Model of the Idolatrous Nations about them; and that, when they grew weary of that sort of Government, they were then so fond of, *they should cry out, because of the King which they had chosen; but the Lord would not hear them.* 1 Sam. VIII. 18, 19.

One would think that this terrible Threatning with what we have already suffer'd, by French Modes of Government should deterr all Protestants from wishing for the like again; but I shall conclude this Article, about Prerogative with the Ingenious Observation of the late Reverend Mr. Samuel Johnson upon this Text, viz.  
 „ That if *Mishpat Hamelech* the Manner of the King here  
 „ spoken of, be a statute of Prerogative, and prove all  
 „ those Particulars to be the Right of the King, then  
 „ *Mishpat Haccobanim* the Priest's Custom of sacrilegious  
 „ Rapine ch. 2d. 13. proves that to be the Right of the  
 „ Priests, the same Word being used in both places. To  
 „ this Mr. Johnson might have added, that such Priests,  
 „ argue for the one to be the Prerogative of the King,  
 „ that the other may be their own, but they are called  
 „ sons of Belial for their Pains, yet no doubt they thought



it a noble Prerogative to rob God of his Due, and the People of their Provisions when they came to sacrifice, and likewise to lye with the Women when they assembled at the door of the Tabernacle, but as God punishd those abominable Priests for Such villanous Practices, he was so far from allowing the other as Sauls Prerogative to take the peoples Vineyards from them at Pleasure, that he forbad the removing of Ancient Land marks, pronounc'd a Curse against those who did so, and made it an Article for condemning Ahab, that he had rob'd Naboth of his Vineyard. Deut. xix. 14. xxvii: 17. 1 Kings xxii. 19.

It is further to be observed, concerning Sauls Title, that tho it was conferrd upon him by the people in a *Convention of Estates* according to the Modern dialect (a) yet the Sons of Belial, who seem to have been the Hereditary right men of those dayes, despis'd him, for his Mean-ness of Birth and Power & said how shall this Man save us, and they brought him no Presents. It likewise deserves Observation, that Saul did not enter upon the Government till God made use of him by an immediate Impulse of his Spirit to defeat the Ammonites who oppressd Israel, upon wick the People, were for having those Men put to Death as Traytors who disputed his Right to the Crown, upon the Foot of the Declaration by the Convention of Estates (b). And after this Victory, Sauls Title was recognis'd in a Parliament at Gijgal, where the People solemnly made him King. If our Authors object that it was a mobb, because theres no mention here of their three Estates; with all my heart, since tis plain whoever they were that they made Saul a King. (a) 1. Sam. x: 24, 27. (b) 1. Sam. xi: 6. to the end.

Yet tho he was thus anointed chosen and confirm'd by divine Apointment, he was so far from having an Indefeasible Right in himself, or impowerd to make it Hereditary to his Family, that he forfeited both his own Title & theirs by his Male Administration, according to the Threatning imply'd in the *Original Contract*, (a) and the Cau-

Causes of it are told us by Samuel (b) to wick Josephus adds in his Jewish Antiquitys that Sauls first Act of Tyranny, was his Abolishing the Aristocracy which God himself had appointed (a) Deut. xvii: 20. (b) 1 Sam. xv: 9 to 29.

This Forfeiture of Sauls Posterity, for his own personal Tyranny is so much the more remarkable, that Jonathan his eldest Son, whom he design'd to be his Successor (a) was a most excellent Prince, as we find by his Character (b) and for Bravery nothing inferior to the greatest Heroes. (a) 1 Sam. xx: 31. (b) Ch. xiii. to the end of the Book. & 2 Sam Ch. I.

David the next Successor, was nam'd and anointed in Saul's Lifetime and if we look in to his Genealogy, we find him to be the youngest Son of Jesse, one of the youngest and least considerable Familys of the Tribe of Judah. (a) As soon as he was anointed the Spirit of the Lord came upon him, and left Saul, who from that time, was possess'd with a Spirit of Madnesse and Folly (b) as all Tyrants have ever been; and one of the greatest Marks of it was, that he pursued David for his Life, tho he was so near a Relation, and had done him mighty Service against the common Enemy. He likewise endeavour'd to set aside his Succession, tho he knew that God had plainly declar'd himself for it, and that he was universally acceptable to all the good People of the Nation: Yet Saul, and his slavish Courtiers, with the wicked Faction that adher'd to them, did all they could to trick David out of his Right, on Pretence that he was not the next in Blood (a) 1 Sam. xvi: 11, xvi: 18. (b) 1 Sam. xvi: 13, 14.

In the mean Time David understood so little of Passive Obedience and Non-resistance, that he defended himself from Saul's Tyranny; list'd all the Troops that would come to him; design'd to have joyn'd the Philistines against him; (a) and at last appear'd in the Field with a numerous Army, of Sauls revolted Guards, domestick Officers, and other (b) Subjects. (a) 1 Sam. xxvii: 12. (b) 1 Chron. xii: 16. &c.

Da-

David however did neither assume the Government nor avenge himself on Sauls Person, when in his Power to do it, because he knew, that Saul was neither condemn'd nor deposed, by the People who had inthron'd him; God reserv'd the Judgment upon Saul to himself. And as the first Article of his Male Administration recorded against him in Scripture, was his sparing the Amalekites and their wicked King, after a signal Victory over them, tho' he knew that God had devoted them to destruction, God suffer'd him to fall by the Hand of one of those hereditary Enemys to his Countrey and the establish'd Religion, after he was reduced to Despair by the Discomfiture of his Army, so that he himself and every one else, might read his Sin in his Punishment. 1. Sam. xv. 2. Sam. i.

Tho' Saul was dead & David had been anointed by Gods exprefs Command, yet that did not put him in Possession, till he was chosen by the People, and the first who elected him was the Tribe of Judah. 2 Sam. 11: 4.

The other Tribes who did not yet own David, had so little Regard to Hereditary Right, that they pass'd by Mephibosheth (who according to the modern Notion, was their Hereditary Prince) because he was lame in his Feet (a) and so not capable of going out before them to fight their Battles: which was one of the Ends they propos'd to themselves when they demand'd a King: (b) A plain Demonstration that from the very beginning of their Monarchy, they prefer'd Capacity to Birth. (a) 2 Sam. 19: 4. (b) 1 Sam. VIII: 20.

They therefor chose Ishbosheth one of Sauls Sons. (a) So that David was not King of Israel for Seven years and a Half; nor did he ever claim it, that we hear of, till Ishbosheths Death, when all the Tribes came, made him King, & enter'd into an Original Contract with him. (b) And he was so far from calling Ishbosheth an Usurper, that he gave him the Title of a Righteous Person, and aveng'd his Death on his Murderers, (c) He likewise curs'd



curf'd Joab for murdering Abner who had been Jshbosheths General, and let him upon the Throne, and orderd Solomon to revenge that innocent Blood, (d) which his own Circumstances did not allow to be done by himself. (a) 2 Sam. viii: 9. (b) 2 Sam. v: 3. (c) 2 Sam. iv: 8. (d) 2 Sam. iii: 29, 39.

This Passage makes it very plain, that David had so great a Regard to the peoples Right in conferring the Crown, that he would not take it without their Consent: and since he was a Prophet, and a man after Gods own Heart, what sort of men can these Modern Divines be, who deny the People to have any such Right?

It is true that the Crown was by a particular Promise intaild on his Family, as that from which the Messiah was to descend, according to the Flesh; yet it was so far from being establishd by God in a direct Hereditary Line, that personal Worth, and not Birth right was made the Foundation of Succession. David himself was chosen, because his Heart was Right, (a) and Solomon his Son, because he was the beloved of God, for he was only the tenth Legitimate Son (b) and as some think the nineteenth by birth, but certainly the Youngest that he had by Bathsheba. (a) 1 Sam. xvi: 7. (b) 1 Chron. xxviii: 5, 6.

Solomon thô so great a Favourite of Heavn did by his Apostacy to Idolatry, and multiplying Wives, Horses &c. (a) contrary to the Original Contract, forfeit the Sovereignty of the ten Tribes for his Posterity, which certainly was a very good Pattern for our excluding the Popish Branches of the Royal Line. (a) 1 King xi.

Rehoboam succeeded over the Tribe of Judah, but we know not, whether he was Solomons eldest Son, nor is it material, thô it is probable he was not, for Pharaohs Daughter, and the Moabitish Princesses, are rankt before his Mother, (a) so that it is likely, he had many elder Brothers, thô they be not mention'd; and that he was the only Son bred up in the True Religion. (a) 1 King. xi: 1. xiv: 21.

His Forfeiture of the ten Tribes, tho foretold by the Prophet, was not insisted upon by the People, till thro the advice of his Arbitrary Councillors and Ministers, he gave them Occasion by an Overt Act of his own, when he not only refused to redresse the Grievances of his Father's Administration, but plainly threatned them with Tyranny, and that he would govern by meer Will and Pleasure, without any Regard to the *Original Contract*.

(a) Immediately upon this Tyrannical Declaration of Absolute Prerogative, and Irresistible Power, the Elders, or Representatives of Israel, declar'd Rehoboam and the House of David to have forfeited all Right to their Crown for ever. This proceeded from the Lord, that he might fulfill the Word of the Prophet Ahijah to Jeroboam whom the Israelites chose for their King; & the Revolt was so far approv'd by God, that he forbid Rehoboam to think of reducing the ten Tribes, tho they had ston'd his Lord Treasurer, or chief Collector of the Tribute, & forc'd himself to fly for his Life. It is also observable, that Jeroboam, who succeeded to the Crown of Israel by God's Appointment, was none of the Princes of the Blood, or Grandees of the Tribes, but one of Solomons Servants; (b) Yet the Lord promis'd to make his Crown Hereditary, and to build him a sure House like that of David, if he would observe his Commandments (a) 1 King. xii. 2 Cron. x: 15. (b) 1 King. xi: 26, 38.

This Passage does not only justify the Resistance & Dethronment of the late King James, for his Idolatry & Tyranny, but also the Attainder & Exclusion of his Pretended Son; He came with a French Power to wreath the yoke of popery and Slavery about our Necks, an Overt act more express, than that of Rehoboam: and if God approv'd the setting up of a Servant upon the Throne of Israel, instead of the Royal Line of David, we have no reason to think he is angry with us, for excluding only the Idolatrous Branches of our royall Family, since according to the Collect of our Church for the 5. of November till it was raz'd by Arch Bishop Laud their Faith

Faith is *Faction*, and their Religion Rebellion; considering also that instead of a Servant we have chosen the next Branch of the Royal Line who professes the Protestant Religion which is instituted by God himself.

Then since that Illustrious Family, is One of the most potent in the Empire, and that their Succession was Settled, to preserve our own Religion & Privileges, and to keep a Ballance of Power, on the side of the Protestant Interest, and the common Liberties of Europe; We may Judge what sort of Protestants those People are, who urge a Divine Hereditary Right; against that Family, in Behalf of a Papist, when the Faction at the same Time pleads for the setting aside of Hereditary Right in France and Spain, by the mutual Renunciations of the several Branches of the House of Bourbon, for the sake of a Ballance of Power among the Princes of Christendom.

We return to Rehoboam. That Prince having added Idolatry to his Tyranny, God stir'd up the King of Egypt against him, who made him his Tributary, and plunder'd both the sacred and Royal Treasury. 2 Chron. xii.

Rehoboams Successor Abijah, seems not to have been his eldest Son, for there are two of Rehoboam's Wives, mentiond before Abijah's Mother, and seven Sons rankt before him, but Abijah was the Son of his most beloved Wife, and this seems to be the Reason why he thought to make him King. 2 Chron. xi: 21, 22. He was as wicked, as his Father, tho' once a great Pretender to Orthodoxy, & Zeal for the Church. 1 King. xv: 3. 2 Chron. xiii. He had mighty Success in War, yet is branded, in other Respects, with a Mark of Infamy to all Posterity.

Asha his Son, Succeeded, but it is not said that he was the eldest of the 22 that his Father had by 14 Wives. 2 Chron. xiii: 21. He was an excellent & pious Prince, and so great an Enemy to Idolatry, that, he degraded his Mother from being Queen, because she had made an Idol in a Grove. 1 King. xv: 13. One would think this Instance



should stop the Mouths of such Protestants as condemne, the late King William & Queen Mary and and her present Majesty, for the Share they had in dethroning their Idolatrous & Tyrannical Father. It should likewise make Protestants asham'd, to plead for an Idolatrous Pretender; even tho his Legitimacy could be prov'd, which the suspicious Conduct of his pretended Father & Mother make utterly impossible.

Asa was succeeded by his Son Jehoshaphat, an excellent Prince, who was bless'd with Victory abroad, and Peace at Home, because he fear'd God, and Govern'd according to his Law. 2 Chron. xx.

He was succeeded, by his Son Jehoram, to whom he gave the Crown, because he was his first-born. 2 Chron. xxi: 3. Our Hereditary Right men, lay a great Streffe upon this Instance, but with how little Ground, we shall now examine. Our Antagonists can make no Advantage of it, till they prove that this was Jehoshaphats only Motive, and it so, that God approv'd it. But this they will never be able to do, since the Contrary appears so plain, by the Instances of Saul, David, and Solomon &c. and by the Law, Deut. xvi: 14. which gave the People a Right to choose their King, whereas, if Priority of Birth be a sufficient Title, all Choice must be excluded. It's hop'd Our Authors will not say, that Jehoshaphat could dispense with the Divine Law, or if he did, that it was not a Crime, so that this Instance is Nothing to their Purpose. But there may be Reason to suppose, that, since Jehoshaphat was a good Prince, he observ'd this Law, and therefore obtain'd the Peoples Consent, nor is it Improbable, that tho Jehoram prov'd bad afterwards, he might then appear to be the best of his sons. For his wickedness is not taken Notice of till after he had strengthen'd himself in the Possession of the Kingdom, as we are told verse 4. and then he slew all his Brethren with the sword, and diverse of the Princes of Israel. Commentators are of Opinion, that by this Means he destroy'd the Sanhedrim, lest they should have  
op-



oppos'd his Idolatry & Tyranny, and dethron'd him for it. However that be, the British Whiggs are not for excluding the eldest Son, provided he be duly qualify'd, as it is probable Jehoshaphat thought his Son Jehoram, for it is their known Principle, to prefer an Hereditary Limited Monarchy, to one that is meerly Elective, provided the next in Blood, have the Qualifications requisite, but otherwise, they are for axcluding him, as was practis'd by the Jews, with Gods Approbation, and by our wise Ancestors according to our Laws as appears in History.

I know, our Adversaries, object the Law. Deut. xxi: 17. which orders the First born, not to be disinherited, because perhaps his Father may have other sons, by a Wife that he loves better, than he does the Mother of his First born, to whom notwithstanding, *he is to give a double Portion of all that he hath, for he is (saith the Text) the Beginning of his strength, the Right of the First born is his.* But this is Nothing to the Purpose in Hand, for that relates only to private Inheritance, as is plain from the Text, nor was it design'd to be a Law to all Nations, but peculiar to the Jews, and not without a very great Restriction, as we perceive by the next 4 Verses, where a rebellious Son, without Distinction of Eldest or youngest, is orderd on the accusation of his Parents if an incorrigible Glutton or Drunkard &c. to be condemn'd by the Elders, and ston'd to Death by the People. A fortiori then, such a First born Son ought to be excluded from Government.

We find, long before this Law was publish'd, that the good Patriarch Jacob did by the Direction of God, deprive his Eldest Son Reuben of his Birth Right, because of his Instability and Incest, and did likewise prophetic, that the Government should be confer'd on his fourth Son Judah, because of his princely Qualifications. Gen. xlix: 3 to 11. This is so much the more observable, because he expresses the Priviledges of the First born, with a much greater Emphasis than they are described in this Text, from which our Adversarys would derive their

Title

Title to the next in Blood. This appears by the Words verse 3. *Reuben thou art my First born, my Might, and the Beginning of my strength, the Excellency of Dignity, and the Excellency of Power*, yet after all this Lofty Description, of the Priviledge of the First born, he tells him, v. 4. *unstable as water, thou shalt not excell, because thou wemest up to thy Fathers Bed*. Now thō we had not Revelation for such an Exclusion, the very Light of Nature would teach us, that those who are so lewd & unconstant, as they can't Govern Themselves, are very unfit to be trusted with the Government of Others. We shall find a very remarkable Proof of it, in our own Rich. 2. who was charg'd by Parliament, to have been so unfaithfull & Inconstant, that neither Forreign Princes, nor his own subjects could trust him, so that he was a Scandal both to himself and the Kingdom, for which and other Crimes they depos'd him, as we shall see in its place.

We can't meet with a more Graphical Description any where, of the Calamity & Confusions which such Princes & such Councillors bring upon a Countrey, than we have in the 19. of Isaiah with Relation to Egypt, where v. 11. &c. it is said: *Surely the Princes of Zoan are Fools, the Counsel of the wise Councillors of Pharaoh is become brutish; How say ye unto Pharaoh I am the Son of the Wise, the Son of Ancient Kings? where are they? where are thy wise Men? the Princes of Zoan are become Fools, the Princes of Noph are deceiv'd, they have also seduc'd Egypt, the Lord hath mingled a perverse spirit in the Midst of it, and they have caus'd Egypt to err in every Work thereof, as a drunken Man staggereth in his Vomit.*

But if our Adversaries will still insist, from Deut. xxi: 17. on the Right of Government to the First born they must likewise allow the paralell Text and Context, that such First born sons ought to be set aside, for the Crimes there specify'd. On that Condition I am certain, the Whiggs will allow them all the Advantage they can make from Jehoram's Succeeding to Jehoshaphat, because he was his eldest Son.

But they must take this along with them, that if the

above mention'd Text be the Rule of Succession, the Eldest Son must have no more than a double Share of the Monarchy, which in a small Compass of Time, would reduce the greatest Monarchy's in the World to very small Lordships, & then by degrees all Government must revert, as at first, to the heads of private Families, of which every Father, according to the Champions of the Patriarchal Scheme, must be an absolute Sovereign, and every Son & Daughter, a Prince & Princess of the Blood, let them get servants where they can. This Absurdity must Naturally attend Filmer's visionary scheme, for by that Plea, Adam could have no better Right to be Sovereign over his own Children, than they had to be Sovereigns over theirs, & so ad infinitum. This would heap Sovereign upon Sovereign, & throw all the World into Anarchy and Confusion, till they could find out the Eldest of Noah's Line to command all the Rest upon their Allegiance, or according to the Principles of the Party on Pain of Damnation, to submit to him, as Universal Monarch. A Notion so absurd, that the naming of it is enough to confute it, & must at last force our Authors to agree, to what they so much abhor viz, that no Prince now upon Earth, has any other Right to shew for his Title, but the Consent or Submission & the Laws or Customs of those Countrys that he Governs. It likewise destroys their foolish Plea, that at the Dispersion of Babel, the World was parcel'd out to seventy two Monarchs, for Noah their Universal Monarch, being then alive, those seventy two Kings must all have been Usurpers, and their subjects Rebels, unless they had his Orders for what they did, which can never be prov'd, or if it could, theres no Prince in the World can derive his Title from any of them, which must still make them originally beholding for their scepters to the Consent of their Subjects.

To return to Jehoram, he proved a wicked & Idolatrous Prince, according to the Example of the house of Ahab whose Daughter he marry'd for which God stir'd up the Edomites to fight against him & revolt from him,  
and



and Libnah a City of the Priests did also revolt because of his Idolatry, and Tyranny, which is another Proof that the Church of the Jews thought it lawfull to dethrone an Idolater & Tyrant. After this God smote him with a grievous Disease, and he dy'd unlamented without the Honour of a royall Funeral. 2 Chr. xxii: 3 to 18.

Ypon his Death the People made his son Ahaziah King who being the only surviveing Heir, it shews that their Consent was still required for giving a Right to the Crown, tho' it be not alwayes expresd, upon the Inthronment of every new King. He prov'd a vile Idolater, & was cut off by Jehu whom God rais'd up to destroy the Idolatrous House of Ahab, with whom this King took part; After Ahaziah's Death, his cruel Idolatrous Mother Athaliah murderd all the Princes of the Blood, but Joash his Son, who narrowly escap'd, and set her self upon the Throne for fix Years. Then Jehojada the high Priest brought out the young Prince, made a Covenant betwixt him and the people, and set him upon the Throne; So that here is the high Priest of the Jews, who thoroughly understood the Doctrine of his Church that declar'd himself for an *Original Contract*. Athaliah indeed charg'd all these Proceedings as treasonable, but Jehojada commanded her to be slain as a Just Reward for her Murders, Usurpation & Idolatry. 2 Chr. xxii: 1. xxiii: 3, 11, 16.

After Jehojada's Death Joash turn'd Idolater & Tyrant for which his Servants conspired & killd him, and he was deny'd the Honour of a Royal sepulchre. 2 Chron. xxiv: 25.

His Son Amaziah succeeded, and prov'd also an Idolater for which God stir'd up the Israelites who defeated him in Battle, plunderd his Capital, his Pallace and the Temple. After this he fled to Lachish whither he was pursued and kild by Conspirators. 2 King. xiv: 2. 2 Chr. xxv: 1.

The people of Judah reassert their Right of conveying the Crown and make his Son Uziah King in his stead. He was a very great & successfull Prince, while he kept the  
Laws



Laws of God, but being lifted up with Pride, because of his Victories, he invaded the priestly Office contrary to the Divine Law, for which God immediatly smote him with a Leprosy, the priests thrust him out of the Temple, the People set him aside, and advanc'd his Son Jotham in his stead. (b) This is a full Proof that the Kings of the Jews were subject to the Law as well as their People; and that the Doctrine of Passive Obedience Non resistance, & Indefeasible Right was not known in their Church, since the Priests of the Lord, executed the (c) Law about Lepers, upon the King as well as others, as they & the People did in several of the former Instances upon their Idolatrous Princes, (d) according to the Law which commanded Idolaters to be put to Death. (a) 2 King. xiv: 21. 2 Chr. xxvi: 1. (b) 2 Chr. xxvi. (c) Levit. xiii: 46. (d) Deut. xiii: 6 to 11.

His Son Ahaz succeeded, and was also a wicked Idolater, for which God stir'd up the Assyrians, Israelites & Syrians against him, but he continu'd obstinate, dyed without being lamented, and had not the Honour of a Royal sepulchre. 2 King. xvi: 2. 2 Chr. xxvi: 1.

His Son Hezekiah succeeded, was an excellent Prince, and blessed by God, with a signal Victory over the Assyrians, & a happy Government, for his Zeal in destroying Idolatry. 2 Chr. xxxii: 1 to xxxiii.

His Son Manasseh succeeded, was a wicked Tyrant, & exceeded all the Heathen about him in Idolatry. For this God stir'd up the Assyrians, who carryd him Captive to Babylon, but upon his Repentance, he was restor'd, and made a Reformation. 2 Chr. xxxiii: 1 to v. 20.

His Son Amon succeeded, was a wicked and Idolatrous Prince, and cut off by a Conspiracy. 2 Chr. xxxiii: 21. &c. His Son Josiah was made King by the People, when but 8 Years of Age, prov'd an Excellent Prince, and was remarkably bleisd of God for purging the Land of Idolatry. 2 Chr. xxxiv. & xxxv.

His Son Jehoahaz succeeded, & was made King by the People, (a) who not only reasserted their Right in  
con-

conveying the Crown, but also in choosing what Branch of the House of David they thought fit, for they pass'd by his Elder Brother Eliakim afterwards called Jehoachim. That he was the younger Son appears by 2 King. 23, 31. where he is said to be but 23 Years of Age when he was made King; where as Jehoachim was 25 when inthron'd, tho there were but 3 Months betwixt the Advancement of Jehoahaz by the People, and the imposing of Jehoachim upon them by Pharaoh King of Egypt. v. 4. (a) 2 Chr. xxxvi: 1.

To return to Jehoahaz, he being a wicked and Idolatrous Prince God sent Pharaoh Necho King of Egypt against him, who carried him away Captive, layd the Countrey under Tribute, & set up his Brother Eliakim, whom he called Jehoachim in his stead. 2 King. xxiii: xxiii: 31 to 34.

This Jehoahaz was the last of the Jewish Kings who came to the Throne according to the Laws of his Countrey, those that followed, being imposed upon them by their Conquerors. It is also observable that as their first King was the Son of a mean Family, of the Youngest Tribe, & chosen by the People, their last King while they were a free Nation, was also a Younger Son and chosen by themselves, so that the Jews retain'd their privilege of Electing, Kings from the Beginning to the End of their Monarchy, when they were brought under the Power of foreign Princes. Nor does it appear from the Text, that even those who are so frequently mention'd to have succeeded their Fathers, were the eldest Son, unless where it is expressly said so, and that is very seldom; then, since Care was taken to mention the eldest when they did succeed, it seems necessarily to imply that the Rest were younger Sons.

One would therefore be amaz'd that any Clergyman, or other Protestant, should contrary to plain scripture, assert a divine Hereditary, and indefeasible Right in any one Person by Birth to our Crown, when it appears there was no such Thing, even in the House, of David tho they

they had better Pretensions to it, than any other Family ever had, or can have.

We return to Jehojachim, he prov'd also a Wicked Idolater for which God sent Nebuchadnezar King of Babylon, who made him his Tributary, and Vassal; but upon his rebelling against him, the Caldeans &c. came and destroy'd Judah, according to what the Lord had threatend, for the sins of Manasseh, and Jehojachim was carried Captive to Babylon, with the spoils of the Temple. 2 Kings xxiv: 1, 2. 2 Chr. xxxvi: 5, 6, 7.

His Son Jehojachim call'd also Jeconiah & Coniah, was set upon the throne in his stead, but proving also a Wicked Prince, Nebuchadnezar sent for him to Babylon, after a short Reign, of three Months & ten days, with the further spoils of the Temple, his family, Princes and Officers, and all that were fit to bear Arms. 2 King. xxiv: 11. &c. 2 Chr. xxxvi: 10. &c.

Zedekiah his Fathers Brother was set up by Nebuchadnezar in his stead, but proving also a Wicked Prince, & rebelling against Nebuchadnezar, contrary to his solemn Oath, that Monarch came up and Besieg'd Jerusalem, took him Prisoner, Killd his sons before his Eyes, made him blind, carry'd him to Babylon, put a final End to the Jewish Monarchy, destroyd the City and Temple, and carry'd away those of the People, who had escaped from the Sword. (a) This was according to the Threatning of Jeremiah, *that none of Coniah's seed should prosper, sitting upon the Throne of David, and rule any more in Judah*, (b) Yet if there were any such weak, or wicked People in those Days as our modern Hereditary Right Men, no Doubt they promis'd themselves great Things, from the restoring of the right Line as they call it, in the Person of Jehojachim, by so powerfull a forreign Prince, as their Neighbour Pharaoh King of Egypt, tho' the Hereditary Enemy of their Counrey, and establishd Religion. But if they had any such Expectations, we see how miserably they were disappointed. (a) 2 K. xxv. (b) Jerem. xxii: 30.



*The History of the ten Tribes after their  
Revolt.*

**A**S to the Kings of Israel, after the Revolt of the ten Tribes from the House of David, no Body can pretend, that any Thing like a constant Hereditary Succession was observ'd among them; for many of them came to the Throne, by Usurpation and Violence; Baasha destroyd the Family of Jeroboam their first King, after the Revolt, as God had threatend for his setting up Idolatry. 1 King. xv: 27, 29.

Zimri afterwards cut off Baasha's Family according to a like Threatning, for his walking in Jeroboams Idolatrous Footsteps. 1 King. xvi: 1, 14.

Upon the Extirpation of that Family, the People reassum'd their former Power, of making their Kings, set up Omri and besieg'd Zimri in Tirza, where he was forc'd to burn himself in his Royal Pallace, & this Judgment befell him, because he walkd in the Ways of Jeroboam, 1 King. xvi: 16 to 20.

After Zimris Death the People divided into two Factions, one half follow'd Tibni, & the other Omri, whose Faction prevaild; but he proving a greater Idolater than All that went before him, it brought the Wrath of God upon himself, and the Kingdom. 1 King. xvi: 21. &c.

His Son Ahab succeeded, he was still worse than his Father, or any of the Kings before him, and was destroyed for his Idolatry, as were the two succeeding Kings his Sons, and his whole Family by Jehu, one of his Captains, whom God orderd to be anointed on Purpose to cut off this wicked Race, because of their Idolatry & Tyranny. 2 King. ix. & x. &c.

Jehu Succeeded, & his Posterity kept the Crown to the 4<sup>th</sup> Generation according to the Promise of God, for his executing Judgment, upon the Idolatrous House of Ahab, but he himself & all his Posterity, following the same wicked Idolatrous Courses, God stir'd them  
up



up Enemies, so that they had very troublesome Reigns, or came to fatal Ends; Zachariah the last of them, being cut off by Shallum a Conspirator, who seizd his Throne and ruld in his Place.

Menahem conspired against Shallum, kild him, and reigned in his stead. He was also a wicked Idolatrous Prince, for which God brought the Assyrians upon him, who made him their Tributary. 2 King. xv: 13. &c.

His son Pekahiah succeeded, & being also a wicked Idolater, Pekah one of his Captains, conspired against him, slew him, and reign'd in his stead. Pekah follow'd the like wicked Idolatrous Courses, for which God stir'd up the Assyrians, who invaded the country, and carry'd great numbers of the People into Captivity. After this Hoshea conspired against Pekah, kild him, and reign'd in his stead. 2 King. xv: 27. &c.

Hoshea prov'd likewise a Tyrant & Idolater for which God stir'd up the King of Assyria against him, who made him his Tributary and Vassal. He afterwards conspired with the King of Egypt against Shalmanezet King of Assyria who thereupon invaded Israel again, imprison'd Hoshea, carryd the People Captive, and put an end to the Government of the ten Tribes, 2 King. xvii: 1.

Thus the Israelites were for ever dispers'd among Forreign Nations, because of their Concurrence with their Kings in Idolatry, Tyranny and Breach of Leagues, their Country was given by the Conqueror to a Mixture of Idolatrous Nations, who set up their Idols in their new Possessions for wich God sent Lyons among them, whereat being terrify'd they made Application to the King of Assyria, for one of the captive Priests to teach them the Worship of the God of Israel, but as they were a mixd People, they set up a mixd Religion, and pretended both to fear God, and serve Graven Images. This perhaps is the Pattern from wich some among us, have form'd a Design of an Union, betwixt

the Church of England, and that of Rome, and rather than misse of it, would expose their Countrey to a French Conquest, and themselves to be mixd with Forreign Idolatrous Colonies.

I have now gone briefly thorow the History of the Kings of Israel and Judah from which, the following Propositions are very evidently deduc'd.

1. That God lay'd the Foundations of both these Monarchys in the youngest, and least considerable Familiys of the Nation, without Regard to a Lineal Descent from the Patriarchs.
2. That even while God did appoint their Kings, he gave the people a Right to inaugurate them, by their Choice and Consent, and to make *Original Contracts* with them, before they had any Title to the Administration as in the Case of Saul David and Solomon, the Latter being made King a second time by the People, tho he had upon Adonijahs Revolt been anthron'd by Davids Order. *1 Chron, xxix.*
3. That there was no such Thing as an Indefeasible Hereditary Succession in the next of blood establish'd by God. And, that even when he did entail the Succession upon a Family, on Condition of observing his Laws, he layd no stress upon Priority of Birth, but gave them Direction to choose the worthiest Person of that Family, according to his own Example in choosing David, the youngest Son of Jesse, and appointing Solomon Davids tenth Son to be King after him.
4. That neither the Church Men, nor the People of those two Nations Knew any Thing of the modern Doctrine of unlimited passive Obedience, or the unlawfullness of taking Arms against Kings on any Account whatsoever.
5. That when their Kings broke in upon the *Original Contract* God approv'd it as a Just Cause for the People, not only to depose their Princes, but to exclude their Posterity, as in the case of Saul, & Rehoboam.
6. That Idolatry Particularly, was assign'd by God

as a good Cause for destroying them, and their Idolatrous Family, as in the Case of Jeroboam, Ahab &c.

7. That the Peoples Concurrence with their Princes in Tyranny, Idolatry & Breach of Leagues, brought upon them Foreign & intestine Wars &c. And at last Captivity & utter Dispersion, whereas those Princes, who were steadfast to the true Religion, and govern'd by Law, were a Blessing to themselves and their People, and Signally favour'd by Heav'n.

8. That, if Tyranny and Idolatry was a good Cause for dethroning Princes, who were nam'd by God himself, it is much stronger against Kings, that are Guilty of the Same Crimes now, since they can plead no such Nomination: especially in such Monarchys as ours, where Kings hold their Crowns by the Law, which is the Rule of their Command, and of our Obedience.

9. That since there was no Hereditary Indefeasible Succession, according to Priority of Birth, in the Line of David, from Whom our Saviour was to come, and since he, tho' truly King of the Jews, did not descend, according to the Flesh from the Eldest of Davids Line, but from Nathan and Solomon younger Sons, as appears by his Genealogy in the Gospels; it is the highest Presumption, if not Blasphemy for any other Family to pretend a divine Indefeasible Right, of Succession to Crowns, by Proximity, of blood, or for Clergymen and others to ascribe it to them.

10. That tho' there be no such Thing as an Indefeasible Right by Proximity of blood, in any Family from divine Institution, yet we are warrant'd by Gods Example, in the Instance of David and others to make an hereditary Intail of the Crown, upon Condition that the Heirs Swear to the Laws of God & the Land, and rule according to them.

I have been the more particular, in this History of the Jewish Succession, and of the Power of those Kings, because it has been an old Plea by such of our Clergy,



as love to make their Court by Flattery ; that our Kings have the Same Prerogatives, that were due to the Kings of Judah, which was it true, gives no manner of Countenance to that Arbitrary Power over our Religion and Liberty's, which some of our Kings assum'd, before the Revolution, but on the contrary condemns them, and clearly Justifies, the resisting and dethroning the late King James, and the making of the Acts for settling the Protestant Succession, as it is now establish'd.

But for the further Information of those Clergy men, Who Launch out beyond their Depth, and pragmatically determine the Prerogative of our Kings, I would refer them, to the Lord Ch. Justice Coke, who Rep. 11. p. 63. Mich. 5. Jac. Will teach them a Point of Law, that phaps most of them never heard of as follows.

" Note upon the 10. of Novemb. in this same Term,  
 " the King upon Complaint made to him by Bancroft  
 " Arch-Bpp of Canterbury, concerning Prohibitions,  
 " was inform'd, that when Question was made of what  
 " Matters the Ecclesiastical Judges have Cognisance  
 " either upon the Exposition of the statutes concerning  
 " Tithes or any other Thing Ecclesiastical, or upon the  
 " statute 1 Eliza. concerning the High Commission, or  
 " in any other Case, in which there is not express Au-  
 " thority by Law, the King himself may decide it in his  
 " Royall person, and that the Judges are but the De-  
 " legates of the King, and that the King, may take  
 " what Causes he shall please to determine, from the  
 " Determination of the Judges, and may determin them  
 " himself: And the Arch-Bpp said, that this was clear  
 " in Divinity that such Authority belongs to the King  
 " by the Word in of God in scripture. To which it was  
 " answerd by me, (Sayes my Lord Ch. Justice) in the  
 " Presenee, & with the clear Consent of all the Justi-  
 " ces of England, & Barons of the Exchequer that the  
 " King in his own Person, cannot adjudge any Case,  
 " either Criminal, as Treason Felony &c. But this  
 " ought to be determin'd, & adjudg'd in some Court



of Justice, according to the Law and Custome of England. And alwayes Judgments are given, *idea-consideratum est per Curiam*; so that the Court gives the Judgment. And it was greatly marveld that the Arch-Bpp durst inform the King, that such Absolute Power and Authority, belong'd to the King, by the Word of God.

Lest it should be objected, that my Commentaries upon these Scriptures, which give us the History of the Jewish Kings are singular, I shall add some great Authorities, which not only Justify all that I have said, against the Divine Indefeasible Right of Succession, but fully prove that the Jewish Kings were accountable to the Sanhedrims, Parliaments, or Body of the People, and were far from being Absolute in their Administration.

Josephus in his Jewish Antiquitys Lib. 4. cap. 3. has this Commentary on the Original Contract. Deut. xvi 1: 14. " Truly Aristocracy. i. e. The Government of the best Men is best, therefore there is no Cause, why you should desire any other Kind of Government, but that contenting your selves with this, you continue under your own Power, & your own Laws. Yet if you will have a King, chuse none but one of your own Nation, who has Justice, & other Virtues at Heart, and whoever he be, let him ascribe more to the Laws, and to God, than to his own Wisdom, and do Nothing, without the Advice of the High Priest & Senate. Neither may he entertain many Wives, hoard up much Treasure, Nor Keep many Horses, by the Plenty of which, he may become a Despiser of the Law, but if he addict himself to those Things more than is meet you must resist him lest he become more Powerfull than is expedient for your Affairs.

Cunæus de Rep. Heb. & Junius Brutus, in his Vindiciæ contra Tyrannos, say, this Law was the Manner of the Kingdom, told the People by Samuel, which he wrote in a Book, & layd up before the Lord.

1 Sam. x: 25. Most Commentators agree, That, the Manner of the King, which he told them of Chap. vii: 1: 11. &c. Was the Description of a Tyrant, & by Consequence Rebellion against God, which the Prophet told Saul was like the sin of Witchcraft. 1 Sam. xvi: 23. And on this Account it was, That, God rejected him from being King. Nor can we doubt of this, Since what Samuel tells them would be the Manner of the King, is directly against the Tenth Commandment, the whole Scope of the Scripture, & more particularly the following Texts. 2 Sam. xxi: 11: 3. 1 King. x: 9. 2 Chron. ix: 8. Isaiah. I: 23. Chap. xiv. Ezek. xxi: 6. Chap. xlv: 8, 9. Ch. xlv: 18. Zeph. III: 3. Mich. III.

From this Law of Deut. xvi: 14. Zuinglius with other famous Protestant Divines, do positively assert; " That the Israelites might not only Lawfully resist, but likewise depose their Kings, for their Wickedness & Idolatry, and, That the People were Justly punish'd by God, because they remov'd not their wicked idolatrous Kings. He proves this farther, from Jerem. xv. where after the four Plagues threaten'd v. 3. The Prophet subjoyns the Reason of them v. 4. I will cause them to be remov'd into all the Kingdoms of the Earth, because of Manasseh the son of Hezekiah King of Judah, for that which he did in Jerusalem. If the Israelites had depos'd Manasseh, they had not been so grievously punish'd of God, says he.

Bishop Bilson in his 3<sup>d</sup>. part of the *True Difference betwixt Christian Subjection &c.* Falls in with Zuinglius, Thus, " That it is a Question among the Learn'd, what Sovereignty the whole People of Israel had over their Kings, & he confesses, that by the Peoples rescuing Jonathan, when Saul had condemn'd him to dy; by Davids Speech to the People, when he purpos'd to bring back the Ark; & by their Conduct towards Rehoboam, when he refus'd to redresse their Grievances, Zuinglius had Reason to think, That the Israelites, Notwithstanding they call'd for a King, reserv'd to themselves Sufficient Authority,

" rity to overrule him in those Things, which seem'd  
 " expedient & needfull for the Publick Welfare, other-  
 " wise, God would not punish the People for the King's  
 " Iniquity, which they must suffer, and not redress.

Grotius, tho a great Asserter of Prerogative owns Lib. I.  
 Cap. III. §. 20. No. 2. & 3. " That the Determining  
 " of some Causes remain'd with the Sanhedrim of seventy  
 " Men, & that the King could not meddle with those  
 " Causes. He adds, That this Sanhedrim, which Moses  
 " instituted by God's Appointment, continued till the  
 " Time of Herod, had a Power of Judging their Kings,  
 " & that the Jewish Writers do generally agree, that  
 " their Kings were punish'd with stripes, when they offen-  
 " ded against the Law of the Kingdom.

The Learned Author de Jure Magistratus in Subditos,  
 Sayes: " That, when King Amaziah fled from Jerusa-  
 " lem to Lachish the People sent after him, & slew him  
 " there, by Publick Authority not out of private Hatred,  
 " but for his Impiety, by which he violatéd the chief Part  
 " of his Oath & Covenant, whereupon we read not of  
 " any Proceedings against, or Punishment inflicted on  
 " those that slew him, either by the People, or his  
 " Children, as there was upon those who slew King  
 " Amnon.

Zuinglius in his Epistles to Oecolampadius, Junius Bru-  
 tus, & Bilson in the Books above mention'd, & Calvin  
 in his Institutions, say, " That the States of Israel had  
 " Right to chuse what King they would out of the Fa-  
 " mily of David, & being elected, afterwards to correct  
 " & punish him, as there was Cause. That they were  
 " oblig'd by their Covenant made with God to reprehend,  
 " resist, oppose, yea depose, if not put to Death their  
 " King, for his open incorrigible Idolatrys & Sins, by  
 " Common Consent, as their King was oblig'd to punish  
 " & put them to Death, for their Idolatrys & Crimes,  
 " their Kings being included within their Covenants; and  
 " Gods Inhibition of Idolatry, under Pain of Death,  
 " extending to Kings as well as others, if not more than  
 B 5 " to



" to any, because their Examples were most pernicious,  
 " and they were as far bound by their Joynt Covenants,  
 " made to God with their Kings to hinder their Kings  
 " from Idolatry; & to proceed against them for it, as  
 " their Kings were to hinder & punish them, for their  
 " Breach of Covenant: And because God himself did  
 " punish them for their Kings Idolatrys, as is evident by  
 " Jerem. xv: 1. &c. and the History of the Kings &  
 " Chronicles every where, which God would not in  
 " Justice have done; had not the People both a Just  
 " Right & Power to resist, hinder, Censure, Depose &  
 " punish their Kings, by Publick Consent, of the States  
 " & People, for their Idolatry & Breach of Covenant.

The Covenants on which those Learned Authors found  
 their Proposition are that betwixt Asa and the People to  
 God 1 Chron. xxix. & 2 Chron. xv: 3. to destroy Idolatry  
 and to put to Death those who would not seek the Lord  
 God of Israel *Whether small or Great*; that by Hezekiah  
 2 Chron. xxix: 3. & that by Josiah. xxxiv. & xxxv.

I shall conclude this subject with a summary Account  
 of the Power of the Jewish Sanhedrims or Parliaments  
 with the following Authorities. Cuneus de Rep. Heb:  
 " Lib. 2. cap. 13. says the Prophets who grievously, of-  
 " fend were punishable no where but in this Assembly,  
 " which did both constitute the King & deliberate about  
 " managing War, and enlarging their Empire, but be-  
 " cause things of that Nature related to the safety of every  
 " one, and of the whole Commonwealth, they did for  
 " most part consult the People and summon Parliaments,  
 " in which the People had a share in the Government,  
 " and sometimes made Decrees about setting up Kings and  
 " carrying on War, but the Rest was left to be dispatch'd  
 " by the Care of the Senators.

The Power of the Sanhedrim or Elders in deciding  
 Controversies about the Crown, Matters of Peace &  
 War, Punishment and Pardons is further evident by the  
 following Texts, 1 Sam. xxiv: 10 v. 45. 2 Sam. xvii:  
 4. &c. Chap. xviii: 1. Chap. xix. Jerem. xxv: 1. &  
 xxxvi: 1.

Junius



Junius Brutus in his *Vindiciæ contra Tyrannos*. Q 3. says, " In the Kingdom of Israel, which according to " all Politicians was the best Instituted, because form'd " by God himself, there was this Order; the King had " not only private Officers who look'd to his Family, but " the Kingdom likewise had seventy one Elders, and Cap- " tains elected out of all the Tribes, who had the Care " of the Common Wealth, both in the Time of Peace " & War. They had likewise Magistrates, who defended " their several Citys, as the others did the whole King- " dom. These when they were to deliberate of the great- " est Affairs, assembled together, nor could any Thing " which much concern'd the Common Wealth, be de- " termin'd without their Advice. Therfor David call'd " them together, when he Invested Solomon, when " he reform'd the State, and brought back the Ark, &c. Schickardus is of the same Opinion in his *Jus Regium He- braeorum*, & indeed all others who write of the Jewish Antiquitys.

Had our Modern British Divines, adverted as well as those Authors to Scripture History & Precepts, they would never have charg'd our Nation with having acted contrary to the Law of God, in Dethroning an Idolatrous Prince, & excluding the Idolatrous Branches of the Royal Line, nor would they have urg'd the Jewish Constitution for the Prerogative of our Princes, since by our Laws the Persons of our Kings are sacred, and their Ministers only are accountable for their Male Administration, unless our Kings will be so weak & obstinate as to declare themselves Tyrants, & take the Faults of their Ministers upon themselves, rather than deliver them up to Justice. This was the Case of the late King James, as formerly that of King John, Richard & Edward the II. They would not let the wicked Counsellors be taken away from before them, therefore their Thrones could not be establish'd in Righteousness. Prov. xxv: 5.

Before I leave this subject, I cannot but observe that those among us who are against resisting Idolatrous Prin-

Princes, that attempt the Subversion of the Protestant Religion, or are for a pretender, bred up in Idolatry and Tyranny shew no regard, heither to Gods Commands against Idolatry, nor to the Judgments he has threaten'd and executed upon Idolatrous Tyrannical Princes and their People, as appears by scripture History. This is no lesse evident from our own, especially since the beginning of the Reformation. Every one knows, how disgracefull the latter End of K. H. VIII's Reign was to himself and the Nation, after he began to persecute his Protestant subjects, for not conforming to Transubstantiation, and the other Articles of Popery wich he injoyn'd. What Judgments did his Daughter Mary bring upon her self and the Nation, by her Idolatry and Tyranny? What Confusion and Blood did Mary Queen of Scots bring upon her own Countrey, and intend for England, by the like wicked Methods, which at last ended in her own ruin? It is likewise too evident that all the Calamities which befell K. Ch. I., his Family & the Nations, were the Consequences of his Match with an Idolatresse, & of the Influence which her Advice & that of other Papists, and men of Arbitrary Principles (who were for reconciling the Churches of England and Rome, and setting up an Absolute Prerogative,) had upon the Transactions of those Times. The Judgments of Plague Fire, Warr, & Plots, that happend in the reign of King Ch. II. (who if we may believe his Brother dy'd an Idolater) were owing to the same Causes. What we sufferd, and were like to suffer by the Idolatrous Reign of James II. is too fresh to be forgot. We have ever since been struggling with the pernicious Effects of those Idolatrous and Tyrannical Councils, and God knows, whether they may not prove too hard for us at last. Nay even good King Jehoshaphat was told by the Prophet, that there was *Wrath upon him from God for helping the Ungodly, and loving them that hated the Lord*, because he joyn'd with Idolatrous Ahab in his War, and his Fleet that he equipd to Joyn in a Forreign Trade with wicked and Idolatrous Aha-

Ahaziah was broken by a Tempest, according to the Threatning of the Lord, instead of reaping those great advantages he promis'd to himself and his People from that Project. So dangerous is it even for good Princes to have strict Alliances and Friendship with persecuteing Idolaters. 2 Chron. xxi.

Those Protestants, who are for a Popish Pretender, must therefore be inexcuseable, and they are certainly Guilty of Blasphemy and mocking of God, when they Joyn in the Office of the Church for the 5. of Novemb. which returns him thanks for sending the Prince of Orange on that Day to rescue us from Popish Tyranny and arbitrary Power, and making all Opposition to fall before him, till he became our King & Governour. Let these Mens Pretensions for the Church be as high as they please, who are for the Attainted Impostor, and an Accomodation with Rome, they must be Traytors to the Church of England, who in her Articles and Homilies charges the Church of Rome with Idolatry, and being more guilty of Polytheism than the Pagans, more superstitious than the Heathens, and says she hath not been a True Church for the space of nine hundred years and more, as we find in the 2<sup>d</sup>. part of the Homily for Whitsuntide, and in that of the Peril of Idolatry.

*An Account of the State of the Jews from the Time of their being carry'd into Babylon, till our Saviours Appearance in the World, and of what we find about Government in the New Testament.*

**I**F we take a View of the state of the Jews, from the time they were carry'd Captives into Babylon, till their Return from thence, we shall find, that no Body pretended to the Sovereignty over them, but their successive Conquerors, who plac'd Governors in Judea as they pleas'd, and to them God Commanded Subjection, Jer. xi. &c.

After



After their return from the Seventy Years Captivity, by the Countenance of Cyrus, they were still subject to the Persian Empire, and under its Protection, as is evident from the Books of Ezra & Nehemiah. After the Fall of that Empire, they became subject to the Greeks, who conquer'd it, and tho' the Title of Alexander the Great Successors in that part of the World, was establish'd over the Jews, by submission and long Possession, yet when they persecuted the Jews, & would force them to Idolatry, that People bravely & Successfully resisted, and defeated those Grecian Kings, and their Captains, under the conduct of their High-Priests Mattathias, and his Sons the Maccabees. They leagu'd with the Romans and Spartans, against those Greek Princes, & set up the Maccabees for Kings as well as High-Priests over themselves, but so far from being hereditary, as our Authors falsely alledge, that none of them Meddled with the Government, till chosen by the People, according to their Ancient Constitution, as is plain from the Books of the Maccabees. After the Death of those brave Princes, they had no settled Order of Succession, but one Usurper after another, purchased the Government from the Grecian Princes, till that Empire fell, and then the Jews came under the Romans, that were their Sovereigns in our Saviours Time, and tho' he himself had the Title, yet his Kingdom not being of this world, he commanded them to pay subjection, & Tribute to their then Masters.

This brings us to the New Testament Times, in which we find the Plea of our Authors to be equally groundless, as under the Old; for when our Saviour came, it is plain from the whole History of the Gospel, that he declin'd meddling with civil Affairs, rais'd no Disputes about the Titles of Governors, but submitted to the Powers he found in being, viz. that of the Romans, and their Deputy Kings or Lieutenants, to whom the Jews were subject. And by his Precepts & example taught the People to do the like.

His Apostles took the same Method, therefore St. Paul  
Rom.

**Rom. xiii. 1. to v. 7.** Commands Christians to be subject to the Higher Powers, as an Ordinance appointed by God, not to be a Terror to Good Works, but to the Evil, and to be Ministers of God to us for Good, so that if we did what was Good, we needed not be afraid of those Powers, but should be prais'd by them, but if we did Evil, we were to be afraid, for they bore not the Sword in vain, being Ministers of God to execute wrath upon those that do evil, therefore we must needs be subject not only for Wrath, but also for Conscience sake, and pay them Tribute, because they were the Ministers of God, attending continually upon this very Thing.

In like manner St. Peter. 1 Pet. ii. 13. &c. Commands them to submit themselves to every Ordinance of Man, for the Lords sake, whether it be to the King as supreme, or unto Governors, as unto them, that are sent by him for the Punishment of evil Doers, & for the Praise of them that do well.

Now can any man of Common sense say that there is any Thing of Tyranny in the Government here described, will they make the Apostles Blasphemers, to call Tyranny the Ordinance of God; and by Consequence make him the Author of Sin. Nothing can be more Plain, than that the Governours here mention'd, are such as act according to the End for which God appointed Government, therefore the Apostles Injunctions were never intended as a Command to Kingdoms or States, to pay a Slavish Subjection, or give unlimited Passive Obedience to Tyrants, who are describ'd in the scripture, sometimes by the most cruel, and at other times by the most ugly crafty, and contemptible Beasts of Prey, which all men thought it their duty to extirpate from the Face of the Earth, thus Solomon tho' a King himself, compares Wicked Rulers over the poor People to roaring Lyons & ranging Bears. Prov. xxvi. 11: 15. Our Saviour calls Herod a Fox, & St. Paul calls Nero a Lyon. So that the God of Truth, & those who were inspired by him, never design'd to confound, the Character of good and Bad Prin-

Princes, by these texts of the Apostles; which only tell us, what Magistrates ought to be, and enjoyns submission to good ones under the highest Penalties, but are far from saying, or intending it should be understood, that all the Powers then in being, did govern according to those Rules, for that would have been a Contradiction to the Accounts we have of Herod, Pilate, Cajaphas, Nero, &c. in the Gospels, Acts, & Epistles.

The Lord Ch Justice Bracton, who understood the 13. of the Romans, better than some of our Modern Divines says, " While the King does Justice he is the Vice Gerent of the Eternal King, but if he decline from it, and act unjustly, he is the Minister of the Devil.

Besides the Apostles speak of *Powers*, & not of any one species of Government much less of any single Person, that was supreme in all Parts of the Legislature and Administration without Control. For we know, that Tacitus sayes, the *Roman* had under them, Kings, who were their Instruments of Slavery, and such were the Jewish Kings in those dayes; Learned Men do likewise very much question, whether there was any other sort of King in those Countreys, to which the Apostles wrote, since they were all under the Roman Government. And that the Power of the Senate was not then totally suppressd, so as to have no share in conferring the Title and Power upon their Emperors & others, is what our Authours themselves dare not Assert, for p. 257. they owne & quote Grotius de Jure Bel. & Pac. to prove it, " that the Jews could not, without being Rebels to the Empire refuse Tribute to Augustus, whom the Senate had declar'd Emperor, they tell us also that Tertullian defends the Christians in his Time for submitting to those whom the Senate had chosen, & not taking Part with *Albinus*, *Niger*, or *Cassius*, who were Usurpers, & elected only by their Armies.

They likewise quote Selden p. 256. Dr. Hamond, & many others to prove. " That the Jews had unanimously put themselves under the Protection of the Romans; therefore



" fore they had no reason to deny Tribute to Augustus,  
 " who had done them many Favours, and sufferd them  
 " to live according to their own Laws.

Is it not plain then, that our Saviour approv'd the Titles of Princes, who came to the Government by the Election or Voluntary Submission of the People, under the New Testament, as well as he did under the Old.

Bnt this is not all which we have from our Authors against their own Scheme: for they tell us p. 270. 271.

" That after the Death of Herod, thô he had two Sons  
 " alive, the Jews sent fifty of their chief men to Augustus, beseeching him, that they might be Govern'd no  
 " longer by Kings, but by a Roman Magistrate, appointed by the Emperor, which was agree'd to. And

p. 272. Our Authors Justifye this Practice of the Jews; thus, " That, had the Romans, withdrawn their Legions

" and Protection from them at Herods Death, his Sons  
 " would soon have torn their Countrey to Pieces, &

" whoever had prevaild, would have ruled them, with  
 " the utmost degree of Tyranny; whereas they had long

" experience of the favour and goodness of the Romans  
 " to them, so that here our Authors inadvertently agree

to the old Whigg Maxim, that *the Safety of the People is the supreme Law*, for by this Passage they not only approve the deposing of Kings, but of Kingly Government, which is more than the British Whiggs contend for. They tell us further p. 271. there was no conscientious Jew then in being, but might safely have sworn Allegiance to the Roman Emperors. I would fain know then, why by Parity of Reason, every Conscientious Briton, may not as safely swear to her Majesty, and the Hanover Succession. This is a Consequence our wise Authors were not aware of, thô the case is much stronger on our side, for her Majesty & the Hanover Family have their Title by Laws of our own making, without one dram of Conquest, to make it disputable, or to give us a plea to dispossesse them when we can, because of their forcible Entry. Besides, we are a great deal modester than the

Jews were, for we have not turn'd off the Monarchy, but only the Popish Line, for as valuable Reasons, as the Jews turn'd off that of Herod the Edomite, who, no doubt pretended, to be the lineal Descendant of Esau, & that no Prescription could forfeit his Birth right, tho his Ancestor had made a Cession of it to Jacob for a Messe of Pottage: a Price very much below the Value of a Crown. And we have also this great Advantage of the Jews, that we have not subjected our selves to a Foreign, remote and Idolatrous Nation, who will Govern us by Deputys, but to Princes of our own Blood & Religion, who are to govern us at Home.

After all without any of those humane Authorities, to prove the Submission of the Jews to Cæsar, it is plain from the Text, which tells us that the Jews rejected our Saviours Title, and cry'd out, they would have no King but Cæsar.

Our Authors, as if they had design'd to confirm the Peoples Right of appointing their Rulers, tho it be contrary to the scheme they lay down, tell us also p. 267. " That at the Beginning of the Roman Empire, the  
" *People conferr'd upon the Prince all manner of Power and*  
" *Authority by the Lex Regia*, and p. 268. they quote Tacitus, Dion, Cassius, &c. to prove that the Senate & " *People requested Tiberius to take the Government upon*  
" *him, and that he agreed to it with much Diffi-*  
" *culty*.

One would be tempted to think, that our Authors have either been directed in their Work by some addle headed Apostate Whigg, who during the Fumes of his Bottle, blunderd out some unlucky Truths now & then, as drunken men use to do, or that they have had the Use of his old Collections, which he had forgot to model to his present Purpose, and they had not sense enough to do it for him.

Upon the whole it appears, that as in the Old Testament, the People conveyd the Government to Princes, and gave them a Right to the Administration, without  
any

any Regard to Proximity of Blood, as an indefeasible Title: so our Saviour and his Apostles commanded Christians under the New Testament, to be subject to such Princes and Governors, as came to their Authority the same Way.

Then as it naturally follows, that they who have a Power to confer Government, have a Power to take it away, upon Male-Administration, and practis'd it accordingly under the Old Testament? The People are no where depriv'd of this Power in the New. It is in vain to object Rom. XIIII: 2. *Whosoever therefore resisteth the Power, resisteth the Ordinance of God, & they that resist shall receive to themselves Damnation*; For that relates only to Magistrates governing according to Law, as we have heard already, from the Descriptions given of them by St. Paul & St. Peter. Besides, it ought to be considered, that those to whom the Apostles wrote, were only private Persons, for Paul in his first chapter directs, his only to a few Christians that were in Rome, & St. Peter directs his Epistle Chap. I. to the strangers that were scatter'd thro' Pontus, Galatia, Capadocia, and Bithynia, who were not only without any Power, but had the Laws against them; they were in no Capacity to resist, and by consequence had no Authority, but must either fly, or suffer if they could not, when persecuted for their Religion: and the case is the same now, with private Christians, under Heathenish, Popish, or Tyrannical Governments. But this is no way paralell to the Case in Debate, we have as good a Right by Law, to our Religion, Lives, & Estates, as our Sovereigns have to the Crown, and they receive it from us on Condition to protect us in those Rights. Our Parliaments have a Share in the Legislature, & are Judges betwixt the King and the Subject, as K. Ch. the I. own'd in his Answer to the Parliaments Nineteen Propositions p. 19. where he says, "The Lords being trusted with a Judicatory Power, are an excellent Screen & Bank between the Prince & the People, to assist each against any Inroachments of the



" other, and by Just Judgments to preserve the Law;  
 " which ought to be the Rule of every one of the three.  
 " & p. 20. he sayes, the Power of Punishment is already  
 " in your Hands according to Law, there's a Power Le-  
 " gally plac'd in both Houses, which is more than Suffi-  
 " cient to prevent, and restrain the Power of Tyranny.

By such a Power it was, that the late King James was derthron'd, and the Succession settled as it is, and it was by the like Power, the Romane Senate declared Nero to be *hostis humani Generis*, and sentenced him to be whipt to Death, *More Majorum*; Yet we hear not one Word of Opposition to it by the Christians in Nero's Household, or any where else, nor could we expect there should, since they were commanded to be subject to the Powers in being, and that the Roman Senate had such a Power will be question'd by none, but such as are Ignorant of the Roman History and Constitution.

It were easy to prove, that St. Chrysostom on the 13. of the Romans, & others of the Fathers, as well as our glorious Reformers, were of Opinion, that the Gospel did not erect a new Government in Civil affairs, nor bar or abolish the good Laws or Constitutions of any State, but left Government as it found it. This is so plain, from our Saviour, & his Apostles declining to be judges in Civil Affairs, & from the Instances already brought, that there is no need of Saying any more about it. The Duty and Power of Magistrates is the same under the Gospel, as it was under the Law. And the Apostles give the same Description of it, which the prophets did, they confine the Royal Power within the same Limits, that Moses did. Deut. xvi: 14. &c. and that Solomon did. 1 King. III: 9. So that it appears both in the Old and New Testament, that Tyrants instead of being Gods Ordinance, have ever been his Abhorrence, & the Objects of his Just Vengeance. The Evangelical Prophet Isaiah cap. x. & xiv. gives such a dreadfull description of Tyrants, and denounces such tremendous Judgments against them, as were enough to make the boldest Champions of Mo-

Modern Passive Obedience & Non resistance to tremble, had they but so much Faith as the Devils.

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## PART II.

The Pretensions from the History and Laws of England, for Indefeasible Hereditary Right, Non-resistance to Princes in any Case, and their Power to dispose of the Succession by Will inquired into.

**O**Ur Authors are very pompous in their Title Page, and would make the World believe, that they have asserted the Hereditary Right to the Crown of England, clear'd the History of the Succession since the Conquest, vindicated the true English Constitution from Misrepresentations, rectified the mistakes of our Common Historians, and publish'd many things new, relating to the Succession, from ancient Records, and other Original M. Ss. But whether they have not impos'd upon the Publick in all those particulars, will appear by what follows.

They spend the first three or four Pages in treasonable Reflections upon the Revolution, and the Acts of Succession which have been made since that time.

They tell us p. 4. " That the Law in Ch. 2ds. 1st. Parliament Cap. XII. is plainly declarative of the true English Constitution, that to the Authority of Law, is required a lawfull King and a lawfull Parliament, and the Want of the first is the chief Cause of the Nullity, because without the first the second can have no Existence.

They think that at first Dash, they have given a mortal Stab to the Revolution, by this Paragraph, but had their Heads been clear, they would have distinguished betwixt a settled & an unsettled Government; for we can allow them all their Paraphrase upon that Act of Charles the II<sup>d</sup>. without Prejudice to our Cause, when there is a lawfull King, but that was not the Case at the Revolution, for James the II<sup>d</sup>. had then put off the King, and put on the Tyrant, in subverting the Laws, by which he held the Crown, and we our Religion and Libertys.

That he had subverted those Laws can be question'd by no Man who is not an enemy to the Protestant Religion, & the British Constitution, and resolv'd to defy Demonstration & Common sense, it is so evidently prov'd, by the English & Scots Declarations of Rights, and so well known to many thousands still alive.

Now that a Prince guilty of such Crimes, is what I have called James the II<sup>d</sup>. is asserted by his own Grand Father King James the I<sup>st</sup>. with the Approbation of Parliament, in his speech to both Houses, anno 1609. " A King (sayes he) governing in a settled Kingdom, ceases to be a King, and degenerates into a Tyrant as soon as he leaves to rule by his Laws, much more, when he begins to invade his subjects Persons, Rights and Libertys, to set up an Arbitrary Power, impole unlawfull Taxes, raise Forces, and make War upon his subjects, whom he should protect and rule in Peace, to pillage, plunder, waste and spoil his Kingdom, imprison, murder and destroy his People in a hostile Manner, to captivate them to his Pleasure. His own Father Ch. I<sup>st</sup>. did say in his Answer to the Parliaments Propositions, " That the Prince may not make use of the High Power vested in him by the Law (as he owned it to be p. 18.) to the Hurt of those for whose Good he has it, and he sayes further p. 22. " We promise, that we will be as careful in preserving the Laws, in what is supposed to concern wholl your Subjects, as in what most concerns our self for indeed we profess to believe, that the Pre-  
" ser-



" servation of every Law concerns us, those of Obedience  
 " being not secure, when those of Protection are vio-  
 " lated.

I hope our Authors and their Party will not say that those two Kings were Republicans, or men of Antimonarchical Principles; so that here James the II<sup>d</sup>. is condemn'd as a Tyrant by his Royall Grandfather, and Father; then what can a Man say who comes after two such Kings, the one own'd by the Church of England for a Martyr, and the other admired by her as the Solomon of his Age, and at the Hampton Court Conference, and the discovery of the Gunpowder Plot, some of our greatest Bishops said he was divinely inspired. It must be confessed, that this Speech seems to have been propheticall, of what would be done by some of his Successors, therefore to his Judgment let them stand and fall.

To the other part of our Authors Proposition, viz. that without a lawfull King, there can be no lawfull Parliament, & by Consequence no Law, we reply, what becomes then of their *Lex Regia*, by which the People as they say p. 268. conferr'd upon the Prince all Manner of Power and Authority, at the Beginning of the Roman Empire. Is not this plain, that they made a King before they had one, and why may not we do the like when we want one. King Charles the II<sup>d</sup>. own'd, in his Answer before quoted, p. 18. *That our Ancestors made the King and the Parliament too*, but these Men will allow their Posterity to make Nothing: It is Pity we can't call our Ancestors to Life again, they would soon unmake such Priests and Politicians.

But further since our Authors are Divines, they ought to tell us, whether the *Original Contracts*, which the Israelites made with their Kings and by which they conferr'd the royal Power upon them, were not Laws made without Kings, and obligatory upon them after they were made. We know that Rehoboam one of Our Authors hereditary Kings, was of Opinion they were not, but then the Gentlemen are desired to remember the Israelites soon unking'd him.

What our Authors say p. 5. *That the Kings of England have Royal Authority before a Parliament is call'd, and that their Authority therefore is not the Product or Effect of Parliaments*, is perfectly trifling. Had not their senses been muddy, or their Judgments perverted, when they por'd upon our Historys, Acts and Rolls of Parliament, they would have seen, that long after William the Norman, our Kings did not meddle with the Government till they were either invested, or recogni'd by Parliament. However, we own it to be true, that according to Custom, since Henry the VIIth's. time, when the Government is settled and the Successor declar'd by Law, he has Royal Authority, before a Parliament is call'd, but then it is evident, that such a Successor derives his Authority originally from Parliament. This with what has been said above is a Sufficient Answer to what they weakly alledge from the 13th. of Ch. II. Cap. Ist. which declares *that neither both, nor either of the Houses of Parliament have a Legislative Power without the King*, to which I shall only add, that the King has as Little without them.

What they further say, that Parliaments have no Power to place or depose Kings, is as false, as it is treasonable. The Parliament plac'd King William, Queen Mary, & her present Majesty upon the Throne, after they deposed King James for his Tyranny, *More Majorum*, yet it must be confess'd, to be the more accurate and true Way of speaking, to say that our Parliaments, never pretended to depose Kings, till they had first depos'd themselves, by subverting our Laws, and we have Reason to be thankful to God, that we have now a standing Law, which declares all Papists, incapable of the Throne, and actually *absolves us from our Allegiance to any Prince, that is a Papist, shall turn Papist, or marry a Papist*, which I think is deposing them with a Witnels. But further, as to the first Part of their Proposition, that the Parliament has no Power to make a King, they would do well to consider, who it was that made our first, as well as our last, and if the Parliament has been in Possession of that Power, when ever they

wanted

wanted one, from the Beginning of Our Monarchy to this present Reign, how do these Gentlemen comply with the Apostles command, to be subject to *the Powers that be.*

It our Authors have a Mind to cavil at Words, and say there can be no Parliament without a King, I would referr them to their Law Dictionarys, for the Original Meaning of the Word *Parliament.* And if I am not very much mistaken, they will find it to be an Assembly, where the Estates of the Kingdom met together to speak their Mind freely about the publick Affairs of the Nation. The Ld. Ch. Justice Coke in the Preface to his IXth. Book of Reports, says, it was so call'd from *parler La Ment*, to speak ones Mind Judicially, in Parliament, and quotes a Law of King Alfred from the Mirror of Justice Cap. Ist. that was made perpetual, for a Parliament twice a Year or oftner to meet at London, *pur Parliamenter:* i. e. to treat or speak about the Government of the People: But if this will not satisfy our Authors, I shall prove before I have done with them, that those Parliaments met very frequently, even to make Kings.

They tell us further, " That it is hard to understand how the three Estates can give a Legislative Authority, which they have not, to a King who hath it not, and that their Consent which is no Law, can make a Law giver, & become a Law to all the subjects, by Obligation of Allegiance upon them.

If this be hard to the Understanding of our Authors, who can help it? It is impossible to give Understanding to those who are not capable of it, or will not receive it, but why should it be harder to our Understandings, than it was to the Israelites, when they first made their Kings Law givers, perhaps our Authors will have the eyes of their Understanding a litle open'd, by asking them one Question in their own Way, & another in ours. 1. then, How can the Clergy give a Power to the Members of Convocation, to make Canons for the Church, since they have no such Power themselves? 2. How can the free men of Corporations, make Magistrates, since they are



not Magistrates themselves. Our Authors philosophical Maxim, that there can be no more in the Effect, than there is in the Cause, will hold as good in this Case as in the other. And yet we see the Thing done every Day.

If our Authors object that this is by Virtue of Charters, or Grants from Kings, it will be hard for them to tell us how Kings came at first by their Power to make such Charters and Grants. If they say, they had it from God, we answer, that from him the Israelites had their Power of making Kings, in the above quoted Text Deut. xvii: 14. And by Consequence, the King had his Power of making Charters & Grants from them too: If they say that this Power was only given to the People of Israel, they must prove it, and if they do, they will unmake all the Kings in the World at once, except each of them can produce a Patent from Heav'n for his office. Into such Absurditys do these Men run themselves in Order to maintain their Chimericall Notion, whereas the Thing is very easy & plain in it self, God has made Man a Sociable Creature, Societies can't subsist without Government, for which he has giv'n them general Rules, both in Reason, & Revelation, that may be adapted by any society to Answer the Ends of Government, by what species of it they think best for themselves. So that this Liberty which he gave expressly to the Israelites by his reveal'd Will, was no more than what he had giv'n to other People by the Law of Nature, accordingly we find in the 14. verse, *that all the Nations about them, had set up Kings over themselves.* And were King-Makers before the Israelites; But since they had marr'd them in the making, and made them Tyrants, after the Fashion of Nimrod, the Israelites being Gods peculiar People, he gave them a Law, by which to Limit their Kings, that they might be truly his Vice-Gerents, & not play the Devil, in Gods Name, like the rest of the Kings about them.

Nimrod was the first King, we hear of in scripture, and it's certain he could have no Right, to that Title, but by the Consent of those who submitted to him. That he  
had

had it not by Primogeniture is evident, for his Great Grandfather, Grandfather, & Father were alive at the Time, Gen. x. so that he must either have usurped that Power, with the help of those that submitted to him, or had it by Cession from his Progenitors. The latter can never be prov'd, nor if it could, it makes against our Authors Indefeasible Hereditary Right, & shews, that personal Qualifications, and not Primogeniture must be the Cause of this Cession. He is call'd a mighty Hunter & Our Authors being Divines cannot be ignorant how differently Expositors interpret this Word, some think, that his Courage and skill in delivering the Countrey from Beasts of Prey, that destroy'd the Inhabitants, made the People choose him for King, and if so, his Great Grandfather Noah, the then Universal Monarch, and his Next Heirs, according to our Authors & their Party, were obliged to quit their Titles to superior Merit, But others, (& which is more probable) think, that under pretence of hunting, Nimrod assembled a Parcel of bold Fellows, and with their Assistance set himself up. Theres no Ground to pretend, that he was immediatly appointed by God, since he was of the cursed Race of Ham, who was his Grandfather, so that take it which way they will, this Instance destroys their Plea of Indefeasible Right, and founds Dominion on the Consent of the People.

Then if we look into the Posterity of Shem, Noah's eldest Son in which the Church was continued, we find Nothing of Monarchy there, but that after the Dispersion at Babel, Gen. xi. They settled in such Places as they found most convenient. This is plain from the History of Abraham and Lot, Chap. xii. xiii. & xiv. Abraham, tho' Lots Uncle, & Superior by Birth Right, claim'd no Dominion over him, but left him at Liberty to choose what Part of the Countrey he would, when their Familys and Substance increas'd so much, that they could not live together in one Place, as we have it, Cap. xiii. There were Abundance of Kings in that Countrey, as  
appears

appears Chap. xiv. And it is probable they were all of the Cursed Race of Canaan one of the Sons of Ham; Hereditary Right was not observ'd evn by them, for they could not all come to that Dignity by Primogeniture. Chedorloamer & Tidal were the Greatest among them and had severall Kings & Nations under them, yet Abraham with his own Family wherein he had but 318. traind servants was too hard for them all, defeated them in Battle, and rescu'd his Nephew Lot, whom they had taken Captive, so that either he ow'd no submission to them, tho he sojourn'd in the same Countrey, or if he did, he resisted their Tyranny, let our Authours choose which they will; And it is as plain that tho Abraham knew the Mind of God, better than any man then in the World, he had not the least Notion of Hereditary Right to Dominion, for he neither claim'd it over Lot, nor thought that Lot, tho next in Blood, could derive it from him, since we find Ch. xv. that while he had not a Child of his own, he knew of No other Heir ev'n to his personal Estate but Eleazar the steward of his House.

Thus it is plain from the Earliest accounts of Kings mention'd in scripture, that it was only the Peoples Consent or submission could give Title to Dominion, and lay'd the Foundation of Political Society. All the greatest Heathen writers of Antiquity, are of this Mind, as Herodotus who tells us the Medes chose their Kings originally, for the Probity of their Manners, and in hopes of enjoying the Common Benefits of Justice by them; Justin, Aristotle, Plato, Tully &c. give the same Account of the Origine of Government in other Nations, so that the first who sett up Monarchs, in stead of conferring an absolute power upon them to do what they pleas'd, did certainly Limit them by such Rules or Laws as might preserve the Society. They who deny this must sink humane Nature below that of Brutes, who form themselves into Herds by Natural Instinct for the defence, & propagation of their species. The Latin proverb is as true as common *Savis inter se convenit Urvis*. Theres a Mutual agree-



ment, evn amongst Bears. The Truth of this proposition is evident from the Most Despotik sort of Government in Nature, which is that call'd *Milnary*. No General dares to Act without a Council of War, unlesse he will risk the safety of his person and the Revolt of his Army, so that ev'n Nimrod must have acted by this Rule or nobody would have follow'd him, for if they had not expected more Protection & Advantage under him, than they had in their former State; they would have continued as they were. This Truth is so obvious, that the very Acts of Parliament made in both Kingdoms, upon the Restoration are founded upon this supposition that the People would be more happy under the Prerogative as they thought fit to extend it, than they were under the Monarchy as it had been formerly Limited. But further had our Authors but cast their Eye upon our Acts of Parliament, they might easily have seen, that the two Houses, have a share in the Legislative Power as well as the Kings, and tho' the Writers of the Faction have of late had the Impudence to deny it, and alledge, that it's only the Kings *fiat* which makes the Law, yet King Charles the 1<sup>st</sup>. fairly own'd it, p. 18. of his Answer to the Parliaments Propositions, where his Words are. "In this Kingdom, the Laws are Joyntly made by a King, by a House of Peers, & by a House of Commons, chosen by the People, all having free Votes, and particular Priviledges. Then how is it hard to conceive, that when a King is wanting, the two remaining Parts of the Legislature have Right to determine who shall enjoy the 3<sup>d</sup>. in order to compleat our Constitution. It is not one Farthing Matter, whether they be call'd Conventions or Parliaments, when there is not a King, since it is evident from our History's, that they have always been possessd of such a Power, and that the Contracts they made with their Kings before they were inthron'd, have ever been lookd on as the *Basis*, & most sacred Part of our Constitution, which is not alterable, even by Parliaments. We need give no other Instance of this, but that unde-

undeniable one, of our Original Liberties contained in *Magna Charta*; which has stood the shocks of Tyrants, & Corrupt Parliaments, for many Ages, and we hope the Protestant Succession in the Illustrious House of Hanover which was founded on as solemn an Original Contract, will stand the like shocks to the End of Time.

Having thus prov'd from Fact, and from King Charles the first's Authority, that our Parliaments even under a King, have a share in the Legislative Power, I shall now prove by the same Royal Authority, and by that of our Ancient sages of the Law, that our Ancestors in Publick Assemblies, or Parliaments, did make our Kings, and our present Constitution what it is. King Charles I. in the same page of his Answer, sayes, "The Experience & Wisdom of your Ancestors hath so moulded the excellent Constitution of this Kingdom, out of a Mixture of Absolute Monarchy, Aristocracy, & Democracy, (his own Words p. 27.) as to give to this Kingdom as far as humane Prudence can provide, the Conveniences of all three, without the Inconveniency of any one. It's hop'd our Authors will observe, that his Majesty sayes very justly, to the Parliament, that it was the Wisdom of *their* Ancestors, and not of *his*, who moulded our excellent Constitution, a plain Confession, that they moulded a King before they could have one; but Aristocracy and Democracy it was impossible they ever could want, after they were form'd into a Society; for there was never any People in the World, could Joyn themselves into a politick Body, but with mutual Consent, and as all could not be Governors, they must choose from among themselves some to take Care of the Administration, both in Peace and War, which Naturally form'd an Aristocracy, and our Ancestors in order to compleat our excellent Constitution, added a limited Monarchy to the other two.

That our Authors may see, I dont advance this without Authority, I refer them, to that Ancient Law-Book call'd the *Mirror of Justice*, which is frequently quoted by the Lord Ch. Justice Coke, and in the 8 page of that Book,

Book, we find that our Saxon Ancestors, having put an end  
 to the Heptarchy, by reason of the continual wars that  
 attended the Reigning of so many Kings in so narrow  
 a Compass of Land, they chose themselves one King,  
 to govern the People of God, & to maintain and de-  
 fend their Persons & Estates in Peace, by the Rules  
 of Law, without Respect of Persons, and they oblig'd  
 their Kings to swear that they would maintain the ho-  
 ly Christian Faith with all their Power, that they should  
 govern their People according to Law, and be obe-  
 dient to suffer the Law as well as their subjects. Thus  
 they moulded their King, not according to the Pattern  
 of Nimrod, but according to that which God gave the  
 Israelites Deut. xvii. &c. Having thus moulded their  
 King, the same Authors tells us p. 9. they came next  
 to mould their Parliaments, or the Aristocratical part,  
 anew, much according to the present Form. Our Author  
 says that in Case the King did wrong to any of his  
 People, & that he might not be Judge & Party too,  
 it was agree'd by Law, that the King should have  
 Companions, to hear, and determine in Parliament,  
 all the Grievances & Complaints of Wrong done by  
 the King, the Queen, their Children, & others, of whom  
 Justice could not otherwise be had; In like Manner,  
 the Lord Ch. Justice Bracton Lib. 2 Cap. xvi. §. 3. says,  
 the King has three Superiors, God, & the Laws, by  
 which he is made King, and his Court, namely the Earls  
 and Barons, because they are called *Comites*, as being  
 Companions of the King, and he that hath a Compa-  
 nion hath a Master: And therefore if the King shall be  
 unbridled, that is, Lawless, they ought to bridle  
 him, unless they themselves, with their King, shall  
 be unbridled and Lawless too, and then the Subjects  
 shall cry out and say, Lord Jesus Christ, hold in their  
 Jaws with Bit and Bridle: To whom the Lord shall  
 say, I will bring in upon them a robust forrein, &  
 unknown Nation whose Language they shall not un-  
 derstand, which Nation shall destroy them, and pluck  
 up



" up their Roots from the Earth, and by such they them-  
 " selves shall be Judg'd, because they would not Justly  
 " Judge the English Subjects, and in Conclusion, the  
 " Lord shall throw them into a Furnace of Fire and  
 " Outer Darkness where there shall be Weeping & gnash-  
 " ing of Teeth,

The Lord Chancellour Fortescue in his Booke *de Lau-  
 dibus Legum Angliae* Cap. xlii. sayes, " the King has his  
 " Power from the People, that he was created for the  
 " Protection of their Persons & Estates, and that he ought  
 " not to make Use of any other Power over them. This  
 is also confirm'd by King Charles I. in his Answer to the  
 Propositions already mentiond p. 17 & 18. where he sayes,  
 for our Subjects' sake these Rights are vested in us, " And  
 " the Prince may not make use of this High & Perpetual  
 " Power, to the Hurt of those for whose Good he hath  
 " it, (to which he adds p. 19.) the Commons may Im-  
 " peach, and the Lords Judge those who for their own  
 " Ends, though they have Subreptitiously obtaind a Com-  
 " mand of the King to violate that Law, which he is  
 " bound to protect, and contrary to which, they are not  
 " to serve him.

This noble Declaration by so great a Prince as King  
 Charles I. ought for ever to stop the Mouths of those  
 who professe themselves to be Church of England Men,  
 against the Revolution, For, as he owns here, that No  
 body ought to serve him contrary to Law, & p. 20. that  
 the two Houses have more than a sufficient Power to  
 prevent and restrain Tyranny; They did no more at the  
 Revolution, than what he here Justifys, and it is remar-  
 kable, that the statute of William & Mary, which makes  
 our Declaration of Rights a Law, vests the Crown in  
 their Majestys, in the Name of the People of England,  
 upon the Foot of that Declaration, & enacts that no fu-  
 ture King or Queen shall be serv'd otherwise than accor-  
 ding to it, by their Ministers: And the Parliament  
 knowing that wicked Ministers do generally shelter them-  
 selves under the Protection of a Pardon, they wisely en-  
 acted

acted as a Necessary Limitation in the 12th. and 13th. of King William for the further Securing our Religion Laws & Liberties, after the Demise of his Majesty & Princess Ann without Issue, *that no Pardon under the great seal be pleadable to any Impeachment by the Commons.* Our Authors & those who have directed them, to run down the Constitution, & subvert the Hanover Succession, had best take Care, that they don't come within the reach of this awfull Clause;

These men say further p. 7. " That Resistance, Deposition, & Recognition, begin, advance, & finish  
" Revolutions, Consent of the Estates or People Legitimate all or Nothing. The proper Way therefore  
" of resolving Difficultys is to begin with the first Acts, to examine whether Resistance and Deposition are  
" Lawfull, then to consider Whether subjects (such  
" are the three Estates) have a Moral Power by their  
" own Consent, to discharge themselves from their Allegiance to one King, & give Royal Authority to  
" another. If their Consent absolves them, then they  
" have a Lawfull power of deposing, if not, their Consent is unlawful & void, and hath no moral Operation, it can neither deprive one King of legal Authority, nor conferr it on another.

By the Confusion, Trick, & Sophisms which appear in this Indigested Heap of Propositions, as well as in the History and Arguments throughout the whole Book, it is evident that the Compilers, have been under the Direction of some who are remarkable for Trick & Confusion in all their Management. This loose way of Arguing lays the Faction open to severe Reprisals by Antimonarchical Writers, if any such should think it worth while to attack them. For they would readily catch Hold of the first Proposition, & say, that Resistance, Deposition, Promotion &c. begun, advanc'd & finish'd the Revolution of the Israelites, to Kingly Government, from under the Government of God, & their original Aristocracy, appointed by him, *Exod. xv 11: 18.*

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Deur.

Deut. xvi: 18. & Cap. xix: 20. and from hence they would interre that Kingly Government was unlawfull. But the British Whiggs, want no such mean Subterfuges, the Bulk of them has ever been, and will allwayes be steady to our Limited Monarchy, which duly Administred, is preferable to all the Republicks, that ever appeared in the World. Yet they are bold to say, that the Resistance, Deposition, Promotion, & Recognition, which begun, advanced, and finishd the Revolution, are Justify'd by Scripture, by our own Constitution, & by the Confessions of our Kings above mention'd.

As to what our Authors say, of the three Estates being subjects, &c. it has in Part been Answered already, King Charles the I. as we have heard, own'd them to be Law-makers & H. 8. did so before him, in his Speech to the Commons in 1545. so that in their Legislative Capacity they can't without a Bull be call'd subjects, (altho in the Acts they pay that complement to the Sovereign, as being at the head of the Legislature, as well as of the Administration) for all Writers on Politicks agree, that Legislature is one of the highest Parts of Sovereignty. Our Authors may find this in their admired Grotius de Jure Belli & pacis Lib. I. cap. III. §. 6. Besides, they should not have advanc'd this crude Notion till they had confuted what Mr. Pryn, (who was no Animonarchicall Author) has so learnedly writ for the Sovereign Power of Parliaments, and had not they and their Directors been resolv'd to impose upon their unwary Readers in order to make them believe the Revolution was unlawfull, they should have confuted what their own Grotius sayes Lib. I. cap. IV. §. 13. viz. " If the King have one Part of the Sovereign Authority, and the People or Senate the other, " the King may Justly be resisted by Force if he invade " that Part which is not his. This was exactly our Case at the Revolution, for the King took upon him to dispense with the Laws in England, and to annull & make



make them void in Scotland, by his own single Authority, tho he was never allow'd that Prerogative in either, by the Constitution, which lodg'd the Power of making & repealing Laws in the King and Parliament together, but in neither of them apart; They ought also to have considered, what Grotius sayes Lib. II. cap. ix. § 8. " That the Sovereignty which is in the King  
 " as Head, is in the People, as the whole Body, of  
 " which the Head is a Part, therefore if he be chosen  
 " originally, & the Royal Family be extinguishd, the  
 " right of Sovereignty returns to the People. They  
 should likewise have weigh'd, what he sayes Lib. I. cap. iv. § 8. and 9. " Those Princes who receiv'd their  
 " Power at first from the People, or agreed to accept  
 " it from them afterwards, as in Lacedemon, if they  
 " violate the Laws, or the Republick, may not only  
 " be resisted by force, but if Need be punishd with  
 " Death. This is a great Deal more than the British  
 Whiggs require, for they were al wayes contented with what King Charles I. allow'd, that the Commons might impeach, & the Lords Judge, the Kings ill Ministers, tho they act by his Command, if contrary to Law, nor would the Thing have been carryed further, even in his time, had not Oliver by Force broke up the Parliament, that he might come at the Person of the King, which he could not otherwise have done, as is own'd by Charles the IIs Act in the 12th. of his Reign. Grotius owns further §. 9. " That if the King Abdicate  
 " or Manifestly desert the Government, all Things after  
 " that, are lawfull to be done against him which may  
 " be done against a private Man. But our Case was much stronger at the Revolution, for King James had then made himself a Tyrant, according to the above quoted Judgments of his Grandfather & Father, and to this he added Desertion, if we may so call his breaking the great Seal, & throwing it into the Thames, his retreating out of the Kingdom, and sending away his pretended Heir, without Consent of the People, so

that, if ever there was a willfull Desertion, this was one, for he would not stay to Govern by Law, & by the Advice of a Parliament which he had call'd, nor would he leave his corrupt Ministers to Justice, but run to the French King for Assistance, and obtaind Forces from him to support himself in his Tyranny, and his Ministers in the Execution of his unjust Commands.

As to the three Estates of our Authors, I have not Time to examine whether their Number be Just, but they must be very great Strangers to Antiquity, if they don't know that to be a Modern, as well as a French Distinction. It came in with the intollerable Arrogance of the Romish Hierarchy, and the Ambition of the French Kings, who as the Church took upon her a Power to make one Estate of her own Clergy, they made two for the Churches one, of the Rest of the Subjects, and from them we borrow'd the Custom, more out of Pride: than from any Profit we could expect by it. Our Saxon Ancestors knew nothing of it. What is now after the the French Mode nam'd a Parliament, they call'd *Generall Folk-motes & Wittena-Gemotes*, or Assemblies of the Wise Men of the Nation, & they were constituted, of all those who held of the Government in Capite, as our Lords & Landed Gentlemen, or Deputies from Communities in whom was the Free Hold, as our present Burgessees. The Bishops & great Abbots held their Baronies in the same Manner, & they were all together call'd *Communitas Angliæ*, & Sometimes, *Clerus & Populus &c.* yet properly Speaking, they were all but one Estate, held by one sort of Tenure, & sat together in the same house for many Ages. In Scotland this plain Original Constitution continued much longer, therefore in their old Acts all the Members without Distinction are call'd Lords of Parliament, nor had they ever two separate Houses.

This is a sufficient Answer to the trayterous insinuation of Our Authors p. 8. That Since one of the Estates

is wanting in Scotland, a King so made in that Kingdom hath no Right to the sovereignty, the plain English of which is, that her Majesty is not Queen of Scots, but these Authors, & their wise Directors may Know, that there were Kings in Scotland, England, & most other Kingdoms of Europe, long before there were Bishops, yet their Titles were never questiond on that Account. Besides the wisest of the Scots Lords, have own'd in Parliament since the Revolution, that the Lesser Barons whom we call Knights of shires in England, had as good a Right by their Tenure to sit in the house as themselves, tho' for the Ease and Conveniency of the Lesser Barons, the Law has for many years dispens'd with the Attendance of all of them in Person, as it does in the Case of the English Free holders, & allows them to choose Deputies in their stead. Then since the Law has depriv'd the Scots Bishops of their Baronies as well as Office, neither of them being Hereditary, but only Personal, they have no Right to sit in Parliament; Yet the Acts of Parliament are good notwithstanding, & by Consequence her Majesty's Title & that of the Family of Hanover after her, to the sovereignty of Scotland is uncontroversible.

Then as to the Estates discharging themselves of their Allegiance by their own Consent. Our Authors were not clear enough headed to consider, that by the British Constitution, the Estates never claim'd any Power to discharge themselves from one King, and to set up another, but in case of absolute Necessity to rid themselves of a Tyrant, & to set up a King in his stead, who would govern according to Law & since our Constitution allows them no other Power, all the Efforts of our Authors and their Faction, to set aside the Hanover Succession, & bring in the St. Germans or some other Pretender, which is the principal View of their Libel, will prove in Vain. For as that Family has done Nothing to forfeit their Title, so legally confer'd and so frequently confirm'd & sworn to, the St. Germans Im-



postor stands attainted by Law, & is punishable for Treason. On this Occasion I shall put our Authors in mind of their own Arguments p. 180. to prove, "That  
 " such an Attainder, and such Laws, as have made it  
 " Treason to invade the Crown, against the establishd  
 " order of Succession, absolves subjects intirely from  
 " their obedience to such Pretenders, and that it is the  
 " Duty of the People, to take up Arms against those  
 " who are guilty of such an Act of Violence, and ought  
 " to be esteem'd no better than Usurpers and Traytors,  
 " and that ev'n the Possession of the Crown, can't re-  
 " move such Defects.

It is hoped these Assertions, (tho' our Authors did not intend it) will make People cautious, how they appear for any Pretender, be it for him, from St. Germans, or for any other, from the Earl of March & Mortimer, or the Family of Suffolk whose Titles our Authors have labourd so much to establish, and they know best by whose Direction. They may seek for their Titles in the World of the Moon, in *Bibliotheca Harley*, which they quote with so much Pomp, or where else they please, but I am satisfyed they will never find them in the Laws of England.

Since our Authors are pleas'd to call upon us to prove the Lawfullness of Resistance in the first place, as that upon which all the Rest depends: We shall endeavour to oblige them, by the Royall Authority of several of their own Hereditary sovereigns, who were as Zealous for Prerogative as any Princes on Earth, but then they must give us Leave to state the Case fairly, and not to speak deceitfully as they do, of Resistance without any Distinction, for the Whiggs never pleaded the Lawfulness of Resistance, except to Tyrants.

The first Royal Authority is that of Queen Eliza. who Assisted the subjects of Scotland, France, & the Netherlands, to resist their several Tyrannical & persecuteing Princes. The 2. is that of King James the 1. of Great Britain who by Acts of Parliament when  
 he

he came of Age, approv'd what his Scots subjects had done against his Grand-Mother while she was Regent, & his own Mother when Queen. He did likewise countenance, the Resistance made by his son in Law, the Elector Palatine, to the Emperor, the Resistance of the French Protestants to their King, and not only the Resistance of the Dutch to the King of Spain, but their Withdrawing their Allegiance from him. He was very Angry with the Convocation for calling *Tyranny Gods Authority*, and upon that Account it was he made his famous Speech already quoted, where in he gives the Description of a Tyrant.

His son Charles the first did in like Manner assist the German and French Protestants, against the Tyranny of their sovereigns, & I would desire our Authors to take this along with them, that the Clergy, & Church of England in those three reigns, Countenanced their Princes in this Matter, with their Purfes as well as their Prayers, a very strong Proof, that unlimited Non-resistance was not then the Doctrine of our Church, for even that Convocation which King James rebuk'd as Favourers of Tyrants approv'd the Resistance of the Maccabees to their sovereign Antiochus.

But what is yet more to the Purpose King Charles the I. did by his Acts of Oblivion & Pacification, by the Advice and Authority of a Scots Parliament, " Justify his Subjects of Scotland, for takeing up Arms  
" against himself & his Councillors in defence of their  
" Religion, Laws, & Priviledges, and own'd that  
" it was not Treason and Rebellion, but that they were  
" his true and Loyal subjects, because they had no evil  
" or disloyal Intentions against his Majestys Person  
" Crown & Dignity, but only a Care of their own Preservation, and the Redress of those enormities, Pressures and Grievances in Church and State which threaten'd Desolation to both.

Our Authors are desired to observe, that this was before the Civil war broke out in England, and pro-

ceeded from his Majestys Conviction, by a sight of the Records of Scotland, which prov'd that the Scots had demanded or done Nothing but what was warranted by their Constitution, tho his Majesty had been imposed upon by his wicked Councillours to believe the contrary. The Faction would do well to remember, that this was the Conclusion of the first war, which Arch-Bpp Laud & his Party put that Prince upon against the Scots, because they would not receive a Liturgy & Book of Canons &c. which they advis'd the King to Impose upon them by his own Single Authority.

His son King Charles II. ratify'd those Acts of Oblivion & Pacification and all that the Scots had afterwards done in Defence of their Liberties against his Father, by his Declaration at Dumfermlin Aug. 16. 1650. On the 1. January 1651. when he receiv'd the Crown of Scotland he also swore for himself & his successors, to consent and agree to all Acts of Parliament, that had been made for the Confirmation of their Religion & Liberties. If our Authors object, that King Charles II. did afterwards repeal all this, they may be pleas'd to remember, that his Brother told us he dy'd a Papist, & then we are not to wonder at his Breach of Oaths & Leagues, since we know that Religion allows it, as the Factions high Church, allows the Destruction of all other Churches but their own and the Church of Rome, with which they so earnestly labour a Reconciliation, and it would seem they are already agree'd in the Fundamental Articles of what they call *the reall Presence, Auricular Confession, Sacramental Absolution, and the Necessity of Episcopal Ordination in order to Salvation*, if what Dr. Brett has lately had the Impudence to say he preach'd before her Majesty, & publish'd by her Majestys Speciall Command be true.

After so many Royal Authoritys from our own Sovereigns, we may be excus'd from producing any more. Yet we shall put Our Authors in Mind, That  
Bar.



Barclay, Bodin, Arnisaus, & others, who write high for Prerogative, do agree, " that if a King will Alienate and subject his Kingdom to another, without his Subjects Consent, or is carry'd with a hostile Mind to the Destruction of his People, his Kingdom is actually lost, and the subjects may not only lawfully resist but depose him, and that, if a King turn Tyrant, he may lawfully at his Subjects Request be invaded, resisted, condemn'd or Slain by a Forreign Prince. So that according to these Authors, we might have carry'd things much further at the Revolution than we did, and are fully Justify'd in excluding the popish Line, who by their Principles are obliged to subject us in Religious Affairs to the Pope, & to bear a hostile Mind towards their Protestant Subjects in order to destroy them; This has been verified by the fatal Experience of all the three Nations in the Reigns of H. 8. his Daughter Mary and James the II. in England, & by the Reigns of Queen Mary & the same James in Scotland. Nor can we ever forget the Barbarous Massacre in Ireland, upon which, the popish Queen, Consort to King Charles I. and other Papists about Court, had too much Influence. This appears by King Charles the II. Letter from White Hall to the Duke of Ormond 10 July 1663. and enterd at the signet Office July 13. that same year; Wherein the King Justifies the Marquis of Autrim, and declares that what he did in the Irish Rebellion was by Direction from his Royall father & Mother, and for the service of the Crown. This Letter may be seen at large, in the Volumne of State Tracts printed by Richd. Baldwin in 1692. p. 217. Upon this the Marquess who commanded those cut-throats, was declared Innocent, to the great surprize and Grief of all the Protestants in Ireland.

If such Things were done by the Influence of popish & wicked Councillours in the Reign of a Protestant King and a Martyr too, what are we to expect, should

we ever be Govern'd by a Vassal of France, the St. Germans Pretender bred up in all the Bigotry of Rome, and the Tyrannical Maxims of Lewis the XIV. the sworn Enemy of the Protestant Name, who has extirpated his own Protestant Subjects, to whom he ow'd his Crown. We come next to the Cant of Our Authors. p. 11. 12.

" That the English Monarchy, has been Govern'd  
 " Successively for Nine hundred years, by the same  
 " Royal Family, that tho' there hath been many Interruptions in this Succession, the Nation always restor'd  
 " the rightfull Heirs, as soon as it could shake of the  
 " Yoke of Conquerors, & Intruders, that the Tree of  
 " Hereditary Right, had been several Times cut down  
 " to the Ground but the stump of the Earth has  
 " grown up again, & reach'd unto Heav'n, the Kingdom hath been sure, & the Nation hath been convinc'd that the Heav'ns do rule.

Every body may see that this is Nothing but an Enthusiastical Jargon of Contradiction and Nonsense. Their Plea of Prescription p. 13. of Nine Centuries, and a continual Claim of 550 Years, is destroy'd by their own Concession that there have been many Interruptions, and that the Tree of Hereditary Right hath several Times been cut down to the Ground. Besides, they agree p. 21. that from the Conquest to H. 7. there were thirteen Kings who had no Hereditary Titles, and but six who had, & several of them too were depos'd for Tyranny, as we shall see in its Place. How then did the Nation always restore the Rightfull Heirs, when there were but six such as our Authors own in Nineteen, & several of those six depos'd by the Nation, for insufferable Tyranny? How inconsiderable then must the Number be of our Authors Hereditary Kings whom the Nation has always stood by, since they were scarce ever suffer'd to take Root? Let any man Judge whether 13. Parliamentary, or six of these Mens Hereditary Kings have the best Plea to Prescription.

These

These Gentlemen should also observe, that before their hereditary Stump (whether it be of Mortimer, St. Germans, Suffolk, or whatever else their Masters are pleas'd to make it) can have any Right to claim, that the Kingdom shall be sure to them, they must Look in to our Records, and Acts of Parliament, to see whe ther the stump of their old Hereditary Tree, be not dugg up by the Roots, as well as the Branches are hewn down, by our Laws since the Revolution; they must also prove to us, that it has not been so dealt with according to the Decree of Heaven. The cutting off of such an intail is warranted by Scripture, and that it is Judicially confirm'd, since the Stump was never restor'd, and that the Branches still converse with such Beasts as our Authors, and their Tribe, I think may be taken for a Demonstration. Let the World judge then if they have not been very unlucky in canting upon this Instance of Nebuchadnezar mention'd, Daniel 4. which is more like to prove ominous than favourable to their Bar to Duc Master.

Their Grand Effort to prove the Divine Hereditary & Indefeasible Right of Succession is p. 13, 14, 15. where among other Things they say, "that all the Hereditary Titles that ever were in this Island, were united in the Person of King James the 1<sup>st</sup>. What becomes then of the Titles of Mortimer and Suffolk, which they so earnestly contend for, in the following Part of their Work? And why do they pick so many Quarrels with Queen Elizabeth p. 209. &c. for setting aside that of Suffolk, & bringing in the Scots Line, contrary to Law, & her Fathers Will. They are at a great Deal of Pains to prove this, but to very little Purpose as we shall find anone.

This is only by the Way to let the World see with how little Sincerity Our Authors plead for the Scots Line in the Beginning of the Book, which they so strenuously endeavour to destroy in the Close of it, for p. 203. they set up six Families now in being, as Competitors against it; but we shall meet with our Authors on this Head



Head else where, & perhaps make it evident, that they design to set up the Family of some of their Directors for a seventh, that shall exclude all the other six, & yet they make such a Blunder, as brings in other Families to swallow up that too, tho' they were not aware of it as shall be prov'd in a Little Time.

I return to their Assertion, *that all the Hereditary Titles that ever were in this Island, were united in the Person of King James the 1st.* The Compliment is much too large, and a further Proof, of their Insincerity, as well as of their Ignorance in History, for it can never be prov'd, that he had the Hereditary Titles of the old Britain, Saxon, Danish, or Norman Kings, unless our Authors admitt Parliamentary Settlements, on the fittest Person of the Royal Line to be good, tho' exclusive of the next Heir.

It is plain to a Demonstration, that whether the Saxon Hereditary Title, be deriv'd from Edward the Confessor, or from Edmund Ironside, King James had it not, and that if it was any where, it rested in Baliol, and his Posterity, as the Lineal descendants of Edmund Ironside. Every one knows that John Baliol was the first Prince of the Scots Blood, & had Actual Possession of their Crown, by Means of Edward the I. of England. It is true that Baliol did afterwards renounce in favour of Bruce, but tis as true, that his Son Edward Baliol regain'd the Crown, by the Assistance of Edward the III. And our Authors know how frequently they assert, that the next in Blood can never loose their Title. The Scots however were of another Opinion, for by Conventions of States and Parliaments, they for ever excluded the Family of Baliol, because they had betrayd the Sovereignty of their Crown, and held it in Fee of the Kings of England. The Scots declared it was not in the Power of their Princes to make such an Ignominious Surrender, and thereupon settled the Crown on Robert Bruce a younger Prince of the Blood, and his Posterity, without any Regard to the Excommunications of Rome for their so doing, and the Baliols, tho' the Right Heirs according to our Authors, were never restor-  
red

red nor any of their Posterity. Yet this was not for want of renewing their Claim, for when David Bruce Son to King Robert dy'd, William Earl of Douglass put in his Claim of Hereditary Right, as next Heir to Baliol & the Cummins, but his plea being rejected by the States, who had settled it on Bruces Posterity, he was oblig'd to desist, and the Crown was settled on Robert Stuart the first King of that Family, because he was Son to the Lady Margery Bruce, Daughter to King Robert, whose Male Issue was extinguish'd; His Brother Edward was also dead without Issue, on whom and his male Posterity the Crown was settled, prior to the Lady Margery & her Issue, so little Account did the Scots then make of Hereditary Right. Thus it is plain that the Family of Stuart has no other but a Parliamentary Right deriv'd from the Family of Bruce, which by a Revolution was settled on the Throne, exclusive of Baliol and his Posterity. From hence our Authors may be pleas'd to observe, that according to their loose way of arguing, & false Principles, they make all the Stuarts Usurpers, and God Knows how many Scots Familys descended from Baliol, the Cummin's & Douglasses, are made Competitors for the Crown of great Britain, exclusive of the Stuarts Mortimers Suffolks &c. so well have these Champions defended the Title of their Directors and so much is the present Royal Family & even the St. Germain's Pretender, were he King James's Son oblig'd to them. But it is the Usual Fate of wicked and Crafty Men to be Caught in their own Devices.

One would think it needless after this, to trouble ourselves with the Act which recogniz'd the Title of King James the I. and is now the chief Plea of the Party for supporting their inconsistent Schemes, yet lest they pretend that any thing is unanswer'd, which the deluded Faction may think of Weight, it shall next be considered, as our Authors lay it down.

"The three Estates (say they) agnise his Majesty's Indubitable Right, and their own most constant faithful Obedience to his Majesty and his Royal Progeny.

"That

" That immediately on the Death of Queen Elizabeth, the  
 " Crown descended to his Majesty. That his right to  
 " the Crown is inherent Birthright, as being Lineally,  
 " Justly & Lawfully, next & sole Heir of the Blood Royal  
 " of this Realm. That they faithfully submit & oblige  
 " themselves their Heirs & Posterity for ever, to this  
 " Right, untill the last Drop of their Blood be spent,  
 " they beseech him to accept the same, as the first fruits  
 " in the High Court of Parliament, of their Loyalty &  
 " Faith to his Majesty, and to his Royal Posterity for  
 " ever. They preface all this (say our Authors) by affir-  
 " ming, that they are bound thereunto by the Laws of  
 " God and Man, & enact it as a Memorial to all Poste-  
 " rity among the Records of Parliament for ever to en-  
 " dure.

From hence our Authors take occasion to declaim,  
 Thus p. 14.

" What Law for the Declaration of Right, can be  
 " found in all the Codes & Pandects in the World, more  
 " express, more full, and Comprehensive? How could  
 " they bind more strongly themselves and their Heirs, to  
 " the King & his for ever? The three Estates vow Obe-  
 " dience and Loyalty to the King & his Heirs, by Lineal  
 " Descent. They debar themselves & their Posterity from  
 " paying it to others, they devote their own Blood, the  
 " last Drop of it, & all the Blood of their Heirs to main-  
 " tain the Lawfull Succession against all Opposers, & to  
 " this eternal Duty they are bound by the Laws of God  
 " and Man. The Vows & Acts of Fathers are supposed  
 " to bind their Posterity. They affirm in this Recogni-  
 " tion, that the parliament is the whole Body of the Realm.  
 " The Politick Body is the same now as then, and every  
 " Member of it hath in effect made the same Recogni-  
 " tion, so that this Act, till the Society hath revokd it  
 " lawfully, layes the same Obligation on every Member  
 " of the Society, as if he had personally consented to it.  
 " This Act is an Original Contract, made with the first  
 " King of this Line, and with his Posterity, the whole

" Na-



" Nation obliges it self therein to the Heirs of this Fa-  
 " mily for ever. If before this Act of Recognition, there  
 " were Disputes about the Right of Succession here they  
 " are ended. After this there cannot be any reasonable  
 " Dispute to whom the true Duty of Allegiance is due  
 " for here it is declared, that all the Realm is bound by  
 " the Laws of God and Man, to pay it to the Lawfull  
 " Heir in the order of Succession.

After all this Harangue, in Defence of Divine Indefeasible Hereditary Right, the Statute they make it from is nothing to their Purpose, for the Right, which the Parliament here recognize, is that of the Entail made in the Parliament of Hen. 7. upon the Heirs of his Body Male or Female, & King James being his only Lineal Heir by his eldest Daughter, had from that Entail the Title by inherent Birth Right upon Queen Elizas Death; but our Authors, who pretend to write all by Records passe over this, tho it be as plain in the Records as any thing else. The Reason of this Omission is, because that Entail intirely subverts the Hereditary Right, for had Henry VI's Queen dyed without Issue, his Posterity by any other Queen, must have succeeded according to the Entail here refer'd to, and our Authors know they deny, that he had any Just Title in himself. Nor indeed had he any but what he receivd from the Parliament. It is also evident, that this Act of Recognition intirely destroys their darling Plea, that it is in the Power of the Sovereign to dispose of the Crown by Will; It is likewise a very severe Reflection upon all that Henry VIII. or others before or after him had done in that Manner, & expressly repeals their Acts of Testamentary Disposition. Our Authors are pleasd to own in this Harangue that Parliaments have a Power to put an end to all Disputes about the Right of Succession, which perfectly turns this Act against all their own Schemes, and establishes that of the Whiggs.

But still they will say, that this Act settles an Indefeasible Hereditary Succession in King James's Line, with whom

whom this was a New Original Contract by our Ancestors, and that their Posterity can't recede from it.

To this we reply, that it is so far from being a New Contract, that tis only the Old one confirm'd, which had been made by the Entail of Henry VII. and the Match betwixt his eldest Daughter, and the King of Scots; our Authors dare not assert that there was a New Coronation Oath made on this Occasion, and so long as they can't prove that, it amounts to no more than this; That here was a New Heir who came the Estate of his Ancestors upon the Old Tenure, and every one knows, that He & those who were to claim after him, by Virtue of this Recognition, were oblig'd to hold the Estate by the same Tenure, or they could have no Right to it. Had King James pretended otherwise, & giv'n the Parliament of England such an Answer, as Rehoboam gave to the Israelites, he might een have return'd to Edinburgh without the Crown, as Rehoboam did to Jerusalem, & would have forfeited his own Right and that of his Posterity for ever, but he was too wise and Learn'd a Prince, to take this Recognition in the Sense of our Authors. He knew the Parliament never intended it so, therefore, he fairly own'd in his speech to both Houses, in 1609. already quoted, that he never meant to govern, " by any Law but the Law of the Land, That all Kings " who are not Tyrants or perjured will bound themselves " within the Limits of the Law, and they that perswade " the Contrary, are Vipers and Pests, both against them " and the Common wealth. This is the Thanks that learned Prince has left our Authors for Asserting an Indefeasible Hereditary Lineal right of Succession in his Posterity, from which the Nation can never recede. It was in the same speech that he sayd, a King did forfeit his Title by turning Tyrant &c. as above. This was no Marriage Promise or Breda Declaration, for it was seven or eight Years after he came to the English Crown. In this speech he plainly owns, that his Heirs were as much bound to the Nations Heirs by this Recognition as theirs

Ori-

were to his; and that if his Successors broke, this New Original Contract, since our Authors will have it so, their Successors were no longer bound by it.

The Gentlemen ought also to remember what they say p. 211. "That Queen Elizabeth dispens'd her Favours to him but very sparingly & with great Reserves, till he declared him self openly against the Church of Rome, but as soon as she was assur'd, that his Sentiments in Religion became conformable to her own, she was not wanting in all proper Encouragements to him to look upon the Succession as effectually secur'd to him after her Decease."

Is not this a fair Confession from their own Mouths that his being a Protestant was one of the Indispensible Conditions upon which he receiv'd the English Crown, did he not then swear to preserve the Establish'd Religion, & is not his Posterity as much oblig'd by that Oath, as we are by the Allegiance of our Ancestors? King James was sensible that he receiv'd the Crown on this Condition, & was too wise to believe, & (for all these mens unjust Reflections to the contrary) bred up from his Infancy too good a Protestant, to desire, that any of his Successors should hold it otherwise. He understood Popery too well as appears by his Writings, to be ignorant, that it could not be introduced into Britain without Tyranny, which of itself must unking any of his Successors. Besides, he knew, that it could not be done, without giving up the Supremacy of the Crown, to the See of Rome, and that the subjecting of the Kingdom to a Foreign Power was by the ablest Politicians reckon'd a Sufficient Cause for Dethroning a Prince. His Majesty likewise knew the Plots that the papists had form'd against him in his Cradle, to hinder his Succeeding to the Crown of Scotland; the Endeavours they us'd to hinder his Accession to that of England, & their treasonable Design to blow him & his Parliament up after he came to it, all which being consider'd, we are not to wonder that he intail'd a Curse upon any of his Posterity who should turn Papist. And as the Just



Curses of Parents seldom fail to come upon such of their Posterity, as make themselves Liable to them, tis very remarkable, that those of his Offspring, who took Papists into their Bosoms & Councils have allways been pursued with Astonishing Judgments. The troublesome Reign & deplorable Fate of his Son King Charles I. were chiefly owing to his Popish Queen and his popish Courtiers.

The Plague Fire War and Plotts that attended the Reign of his Grandson Charles II. who married a Papist, acted by popish Councils and died a Papist will never be forgott.

And every one knows that his other Grand Son James II. who professed himself a Papist was dethron'd, and dyed an Exile, and that the whole popish Line since James I stands excluded from the Crown, which reverts by Law to his only Protestant Heirs: God having so influenced the Hearts of the Nations as to make them the Instruments of fulfilling that Curse against his Popish Posterity by surprisring & unexpected Turns of Providence.

To return to our Authors Argument, all those strong Expressions, in the Act of Recognition, which carry such an Air of Satisfaction with that Princes Succession, and Issued in such repeated Assurances of Fidelity to him and his Posterity, proceeded only from the Parliaments being overjoy'd, that his Accession to the Crown put an End to all the Numerous Claims, and Competitions that *Parsons* the Jesuit by the Influence of Forreign Powers, and Domestick Traytors, had raisd up against the Entail upon his Family, as our Authors and the Faction are doing at present, by the like cursed Influence against the Parliamentary Entail upon his Protestant Heirs, but we hope with as litle Success.

That this was the Cause of their Extraordinary Joy, and of their expressing themselves with so much Affection for King James and his Posterity is evident, from the Beginning of the Epistle dedicatory to him, by those who in his Reign translated the Bible, which by our Authors way

way of Arguing I perceive they are not much acquainted with, & shall therefor transcribe it as follows.

" Great and manyfold were the Blessings, most Dread  
 " Sovereign, which Almighty God the Father of all Mercies  
 " bestow'd upon us the People of England; when  
 " first he sent your Majesty's Royal Person to rule and  
 " reign over us. For whereas it was the Expectation of  
 " many, who wish'd not well unto our Sion that upon  
 " the setting of that bright Occidental Star Queen Elizabeth  
 " beth of most happy Memory, some thick and palpable  
 " Cloud of Darknels, would have so overshadow'd this  
 " Land, that Men should have been in Doubt, which  
 " Way they were to walk, and that it should hardly be  
 " known, who was to direct the unsettled State. The  
 " Appearance of your Majesty, as of the Sun in his strength  
 " instantly dispell'd those supposed, and surmised Mists,  
 " and gave unto all that were well affected exceeding  
 " Cause of Comfort, especially when we beheld the Government,  
 " established in your Highness, and your hopeful  
 " full Seed, by an undoubted Title, and this also accompanied  
 " with Peace at Home and Abroad.

It is well enough known, that there was a Popish Pretender at that Time, whose claim was supported, by the then formidable Power of the House of Austria, as there is One now supported, by the much more formidable Power of the House of Bourbon, therefore we are not to wonder, at those Unusual Expressions of Joy and Affection to the New Successor in the Act of Recognition, for the Parliament knew, that they had not only the Kings own warlike subjects of Scotland, but the Assistance of France secured to defend his Succession, by Virtue of the Ancient League betwixt the Scots and the French Kings against any who pretended a Right to either of their Crowns, contrary to the Will of the States; That Clause being inserted in the League when renew'd betwixt King Robert Bruce, and the then King of France: But had there been no such League, France was obliged by Interest to prevent the Accession of any Favourite of the

House of Austria to the Throne of England.

Or if we should allow for Arguments sake, that the Act of Recognition bore the Sense of our Authors, which certainly it did not, it was never yet question'd, but one English Parliament might for Just Causes revoke what another had done, and that the Indefeasible Hereditary Right in their Sense of it, has been again and again repeal'd since the Revolution, for such Causes as king James the I. to whom the Recognition was made, did allow to be Just, is so evident that it needs no Proof, and that those repeals are agreeable to the English Constitution, shall be made out in the Course of the Debate.

Their next Argument, is from the 12th. of Ch. II. Cap. 12. Wherein it is affirm'd. " In Opposition to  
" all Usurpations that the Imperial Crown appertains by  
" Just and undoubted Right to the King and to his Heirs  
" and Lawfull Successors. Then say our Authors, as  
" the Crown appertained by Law to him, when he was  
" out of Possession, so it must be understood to belong  
" to his Heirs, and Lawfull Successors, if they should be  
" out of Possession also. Neither of these Acts are ex-  
" pressly repeal'd, and both together seem to make an  
" Impregnable Proof, that Hereditary Right was by Law  
" the only Right, to the Crown of England.

One would be tempted to think that this Paragraph was dictated by the Author of the Radnor Address, who Asserted her Majestys Right & Authority over us, according to the 12th. of her Uncle King Charles II. of Glorious Memory. Yet that is as False as it is Treasonable, both in the sense of the Jacobites and Whiggs: The former look upon her Majesty to be an Usurper from this very Act, and the latter know it to be Treason, to maintain, that any Person has now any Right to the Crown, but according to the Declaration of Rights made at the Revolution, and to the several statutes about the Succession since that Time; for if her Majesty holds by the 12th. of Charles II. then King William must have been an Usurper, but especially after Queen Mary's Death,

&



& that Glorious Princess must have been guilty of the same Crime, since her Father out liv'd her; nor can her Present Majesty escape the like Charge, since she did not protest during her Fathers Life, against her being put into the Entail, after her Sister, & her Issue & the Death of King William. For we know her Father declared he had a Male Heir which excluded them all. Into such inextinguishable Labyrinths do men of Tricking & Confus'd Heads run themselves, notwithstanding their high Pretensions of Loyalty, and eminent Services to her Majesty. Our Authors and their Directors would do well to consider, how they will clear themselves from Treason, by the Interpretation they put upon that Act, and alledging that it is not repeal'd, when it is manifest, if it was ever intended to settle an Indefeasible Hereditary Right, that not only the sayd Act, but all others which bore that sense are repeal'd by the Acts, which since the Revolution have excluded the Popish Line.

Yet after all, that Act of Charles II. is far from Answering their Expectation, for it is evident by the Words they recite, that the Design of it was to condemn Oliver's Usurpation, with his Acts to exclude the Royall Family: and to Assert the Title of his Majesty, and his Lawfull Heirs, against those Proceedings, so that till our Authors prove that those who succeeded since the Revolution, and those upon whom the Crown is further Entail'd, are not Lawfull Heirs to King Charles II. exclusive of Popish Pretenders, this Clause can be of no use to them, against the Hanover Succession. When that Act was made, there was no Popish Heir in View, the Duke had not then declared for the Idolatry of Rome, King Charles was vigorous enough to have had Heirs of his own, and had there been any such, he was not so Weak as to have bred them up in a Communion, which might have been an Objection to their Succession, as Popery was then and afterwards thought Justly to be. My Lord Chancellor Hide was of that Opinion, as appears by his Letters to the Duke and Duchesse of York printed in the first

volume of state Tracts p. 439 &c. We know likewise that three Houses of Commons, and a Majority of Temporal Lords were for excluding the Duke of York because of his popery, notwithstanding the Act of Recognition, and the 12th. of Charles II. And the Act of exclusion had pass'd both houses but for the then Bishops to whose everlasting shame it will be allways rememberd. King Charles the II. knew well enough, that had the Act been pass'd our Authors new Original Contract with King James I. & the 12th. of his own reign would have been no plea against it, therefore he strenuously opposed the Bill and we are not to wonder at it, since there is two such credible Evidences, as his Brother and his papers in the strong Box, to prove that he dy'd a Papist.

Then since we have the Judgment of King & Parliament & indeed of the whole Nation, that had the Exclusion Act pass'd then, it would have been good, why is it not valid since it is pass'd now.

Upon the whole the 12th. of Charles II. which our Authors and their Directors lay so much stress upon, is quite out of the Case in every respect, and only proves them to be Traytors for asserting the contrary, and supposing that his lawfull heirs are out of Possession.

*The Historicall Proofs of our Authors for the Indefeasible Lineal Succession, the Irresistibility of our Princes, & their Power to dispose of the Crown by Will, examin'd as far as the Pretended Norman Conquest.*

**O**ur Authors having done with their Arguments from our Modern Laws, reason &c. come next to the Historical part which they likewise intermix with reasons & Reflections, such as they are, but thro their usual Inadvertency, pull down the divine Indefeasible Hereditary Right, which they had so Zealously endeavour'd to build up in the preceding Pages.

They

They pretend to quote Historians p. 21. &c. To prove  
 " that there was anciently a Power in our Sovereigns to  
 " interrupt and Limit the Lineal Succession of the Crown,  
 " by the Exclusion of the Right Heir; That the Consent  
 " and Cession of such was Sufficient to convey a Right to  
 " Princes that were not next in Blood: That in the times  
 " nearer the Conquest, it was the usual Custom or Com-  
 " mon Law, for Kings to dispose of their Crowns to whom  
 " they thought fit by Will, without Regard to proximity  
 " of Blood: And that this Power was universally acknow-  
 " ledged in those dayes, it having been the constant Prac-  
 " tice in England, from the time of St. Austin's coming  
 " hither, that Donations at the Point, of Death were held  
 " to be valid. They own how ever, " That it was the  
 " Judgment of the House of Peers in the Claim of Richard  
 " Duke of York, that such Resignations without the  
 " Consent of Parliament, did not oblige the Makers of  
 " them; But then, as if they had granted too much, they  
 " say this was the first time, such Resignations were ques-  
 " tion'd as to their validity, tho' not perform'd in Parliament.  
 " However this is old enough for Prescription, against the  
 " Practice, were it true that ever Our Sovereigns had such  
 " a Power which we shall examine anon.

In the meane time, one cannot easily imagine the Design  
 of our Authors & their Directors, by such a Mass of con-  
 fused & contradictory Propositions. It must be something  
 they dare not yet own, but it is plain, that this Power  
 which they ascribe to the Sovereign, is utterly inconsi-  
 stent with our Laws, the Safety of all Government, the  
 Authority of Parliaments, & their own darling Principle  
 of Divine Indefeasible Hereditary Right, for there's an  
 End of that, if it be in the Power of the Right Heirs by  
 Cession, or Will to transfer the Crown as they please and  
 thus again they destroy the Titles of all Pretenders, be  
 they from Mortimer's Hole, St. Germans, Suffolk, or  
 where else they please. Beside if this be true, the Crown  
 of Scotland is already devolv'd upon the House of France,  
 for in the *Recueil des Traitez* publish'd at Paris in Six Large



Quartos by the French Kings Authority, it appears that Mary Queen of Scots when in France, did by a solemn Deed under her Hand and seal, dispose of the Crown of Scotland to the then French King & his Heirs, and that she was the Right Heiress is question'd by no Body. And since she likewise pretended to be the Right Heiress to England and Ireland, of which she assum'd the Arms & Titles, by the advice of her Husband the King of France, on pretence that Queen Eliza was really illegitimate, and declared so by Act of Parliament, in her Fathers time. We don't know but the like Resignation of England and Ireland may be trump'd up some time or other. So that one would be apt to think our Authors have had Money from the French Court as well as from others, to write after such a manner. This may help us a little into the Secret, why the French have discover'd such an extraordinary tenderness for the St. Germans Impostor, that they don't care to have him out of their sight, it is not improbable, that they have obtain'd such another Cession from him, & then whenever he comes to the Throne by their Assistance, He and his Heirs, if ever he have any, must be Deputys to the Kings of France, and if he have no Issue, the Next Heirs of the House of Savoy, will be glad to hold the Crowns of Great Britain and Ireland by the same Tenure. These are some of the obvious Consequences which naturally flow from Our Authors Principles.

But this is not all, for in Cases of such Importance the most remote *may be*, ought not to be over look'd, for at this Rate any powerfull Favorite or Minister, who has a mind to our Crown, has no more to do, but to get a Will by a pretended Right Heir forg'd in *Articulo Mortis*, & Knavishly attested, as was practic'd in the Case of Henry VIII. and the late King of Spain, and then those who have no Title by Proximity of Blood, have a very good one by Will; but much more if at any time the Right Heir should be Weak, and wholly in the Power of a cunning Favourite, especially if such a one have forfeited his

his Life to the Laws, as many great Favourites and Ministers have done, this will lay him under a mighty Temptation to get such a Right to the Crown, in order to secure himself from Justice, and it at the same Time such a Minister shall be possessd of the Nations Treasure, and have his own Friends and Creatures in all the great posts who shall be able to withstand him? And if he be dextrous enought to hammer out his Descent from an old Branch of the Royal Family, and so lucky as to be in the good Graces of the Clergy, for rescuing the Church from Danger, his Work is done, for they'l give him a Divine Right, and then we must submit on pain of Damnation. If no such thing should happen, no Thanks to our Authors and their Directors, for they have very fairly chalk'd out a way to it. However visionary these Suggestions may seem, they are the natural Consequences of their fantastical Propositions, and much better founded, than what has been said by the Examiner & others of his stamp, to fill the Nation with Jealousies, that the Duke of Marlburgh and the late Ministry had a Design to Usurp the Government and Administration. We defy them to produce the least scrap by the Whiggs to countenance so false & malicious & Charge, whereas here we have a folio volume to support what we say, against our Authors & those who employ'd them.

But now let's examine the History on which they pretend to found their Wild Propositions.

They carry their Authoritys up as high as Austin the Monk, whom they have Canonized for a saint, because with the Idolatry & cruelty of Rome, he brought in as they seem to insinuate this Arbitrary Power of our Princes, to dispose of the Crown by Will. Whether he pretended to vest them with such a Power, is not worth while to examine, but that our Princes never had it, shall be made evident.

*A Brief Account of the old British and Saxon Constitution.*

WE need go no higher than the Saxons, for Austin the Monk did not come hither till the Year of Christ 592. And the Saxons were first invited to England by the Great Council (or Parliament) say Bede, and Gildas, about 449. and arriv'd in 450. to assist the Britons, against the Scots & Picts. They had the Isle of Thanet assign'd them, for their Place of Abode: and receiv'd pay from the Britons, to whom at first they were subject. 'Tis certain they could not learn from them, the Custom of Impowering their Kings to dispose of the Succession by Will, for both the Roman and our own Historians agree, that the Ancient Britons chose their Kings. Vortigern, who advis'd the bringing in of the Saxons came to the Crown by Election. And that the Kings of the Britons were far from being absolute, is plain from Gildas who says, "They anointed Kings tho they were none of Gods anointing, but such as were most Cruel, and soon after, as inconsiderately layd aside, without any examination of the Truth. Some were put to Death by their Anointers, who set up others more Fierce and Tyrannical, and if any of them seem'd Mild, and inclinable to Truth, they were generally hated as subverters of their Country.

We find that this good old British Christian, was not of opinion that Tyrants could be the Lords anointed: He understood the Holy scriptures better, than to advance such a Blasphemous Doctrine. By the Description he gives of his Countrey Men at that time their Dispositions seem to have been so very like those of our rampant Faction now, that we have Reason to dread, they will expose our Countrey, as a Prey to Forreigners, in the same Manner as the old Degenerate Britons did, if God in his Mercy don't prevent it. For Bede sayes, *They call'd in the Heathen Saxons who were hatefull both to God & Men*, but



certainly not more Hatefull than the French, on whose Assistance, our present Faction depends, for Inthroning their Pretender, bred up in Idolatry & Tyranny.

As the Saxons could not learn to place this Absolute Power in their Kings from the Britons, it is certain, they did not bring it from Home, for Bede Says, of East Friesland, which he makes their Native Countrey, "that they had no King, but were govern'd by several Noble Men, who upon the breaking out of a War, did cast Lots, & upon whomsoever the Lot fell, they obey'd him, as their General, while the War lasted, and when that was over, all those Lords became of equal Power again, this agrees so much with what Tacitus Says of the Ancient Germans, that there's no room to doubt the Truth of it.

The first Saxons came hither. Under the Conduct of Hengist and Horsa, whom the Saxon Annalls call *Heretogan*, i.e. Captains, or Leaders, so that they had no Pretence to Royal Power. They were Successfull against the Scots & Picts, whom they defeated in a Battle Near Stanford: Upon this, Hengist sent for much greater Numbers of his Countrey men, & Vortigern falling in Love with Hengists beautifull Daughter he did for her sake divorce his Queen, gave Hengist the County of Kent, and his son & Nephews the Northern Countys, which lay next to the Picts Wall: Upon this the Saxons flockd hither in Such Multitudes, that they became terrible to the Britons, and because these people would not agree to their unreasonable Demands; The Saxons broke their League with them, patc'd up a secret Peace with the Picts, and over run the Countrey from the East to the West sea. Slaughtering the Britons every where, as we are inform'd by Gildas Nennius and Bede.

*An Account of the Heptarchy.*

In short, about a hundred Years after their first arrival, they subdued most of the Kingdom, and set up their Heptarchy.

Their first Kingdom was that of Kent. Which containd that County, & part of Surrey.

The

The second, that of the *South Saxons*, containing *Suffex* & most of *Surrey*.

The third; That of the *West Saxons*, containing *Devonshire*, *Dorsetshire*, *Somersetshire*, *Wiltshire*, *Hampshire* and *Berkshire*. *Cornwall* being a long time under its own British Princes before it was subdu'd by the *West Saxons*.

The Fourth was, that of the *East Saxons*, containing, *Essex*, *Middlesex*, and part of *Hertfordshire*.

The Fifth was, that of *Northumberland*, containing *Yorkshire*, *Lancashire*, the Bishoprick of *Durham*, *Cumberland*, *Westmerland*, *Northumberland*, & part of *Scotland*.

This was afterwards divided into two Kingdoms and the River *Tyne* was the boundary betwixt them.

The sixth was, that of the *East Angles*, containing, *Norfolk*, *Suffolk*, *Cambridgeshire*, and the Isle of *Elye*.

The seventh was. That of the *Mercians*, containing, *Glocestershire*, *Herefordshire*, *Worcestershire*, *Warwickshire*, *Leicestershire*, *Rutlandshire*, *Northamptonshire*, *Huntingdonshire*, *Bedfordshire*, *Buckinghamshire*, *Oxfordshire*, *Staffordshire*, *Shropshire*, *Nottinghamshire*, *Cheshire*, and part of *Hertfordshire*.

*Hengist* did not Assume the Title of King, till six years after his coming over, Nor could he possibly attain that Dignity, but by Election, or at least by the Consent of his Officers, and the People who submitted to him. There is very litle to be found in our Histories of the Actions of the following Kings of Kent, or of their manner of Succession, for about four Descents. Till *Ethelbert*, their first Christian King, but only, that the Successors were sons to them that preceded, without mentioning whether they were the Eldest.

The Saxon Annals say that when *Ethelbert* died his son *Eadbald* succeeded and then, *Earcombert* succeeded his Father *Eadbald*, tho he had an Elder Brother alive, call'd *Ermenred*. And he had also two sons. *Egbert* son to *Earcombert* succeeded and left a son call'd *Eadric*, notwithstanding which, *Lothaire* Brother to *Egbert* came to the Crown, and held it twelve years. *Eadric* being discontented at

it, Joyn'd with the south-saxons against his Uncle, who was defeated in Battle, & dyed of his wounds, then Eadric Succeeded, but it is not said whether by Election or Otherwise, & some doubt whether he was Egberts Son. However William of *Malmsbury* says, that *Cendwalla* made war upon him, & destroy'd his Country to revenge the Death of King *Lothaire*. That same Author informs us, that some time after this, any bold Aspirer, who had Wealth & Friends enough, obtaind that Crown.

There is very little said of the Kings of the south saxons, who were soon swallowd up by those of the West.

The East-saxons were divided into three Kingdoms Says Bede by *Sebert* their first Christian King, who left his sons Joynt Heirs of his Kingdom. And we find afterwards but two Kings reigning together in that Countrey.

The *Northumbers*, had so little of a settled succession, that from *Ida* their first King for three hundred years, scarce any one family enjoy'd the Kingdom, above three Descents, but still it was translated to some other Prince of the Blood Royal, whom they thought Fittest, as appears by their Genealogys, in *Florence of Worcester*, & *Malmsbury* tells us they frequently depos'd their Kings. Henry of *Huntington*, Says their first King *Ida* was of the west Saxon Race and elected by the Great Men.

The Historys of the East Angles, being destroy'd by the *Danes*, we have little more than the Names of their Kings, yet we find *Edmund* call'd the Martyr, was Elected there by General Consent. They had formerly been under the *Mercians*, but shook of their Yoke. As *Florence of Worcester* & *Asser Menevensis*, inform us.

The Mercian Kings seem Generally to have succeeded by Election, tho' our Ancient writers are not distinct in it, till the year 755. when *Florence of Worcester* tells us, that *Offa* having drove *Beornred* out of the Kingdom, was chosen by the Nobles in his stead. It was He, who procur'd the famous Statute, at *Calcuth*, *De Ordinatione Re-*



gum, in so great an Assembly of the States, that it is nam'd, *Conventus Pananglicus*, & not undeservedly, considering how Great a part of the Kingdom the Mercians then posses'd. This Great Council or Parliament was held anno. 787. when Offa procurd his son *Egfrid* a comly & Valiant Youth, to be Crown'd Joyntly with himself, and here it was enacted, "that at the Election of Kings, "no Man should permit the Vote of Evil Men to Prevail, but Kings shall be Lawfully Elected, by the Clergy and Elders. i. e. The Chief Men of the Kingdom. "That no Bastard should be admitted to the Crown, and "that when Kings were chosen they should have prudent "Councillors, as Sr. Hen: Spelman, and the Magdeburgh Centurys inform us.

We come now to the West Saxon Kings, from whom our English Monarchs derive their Pedigree, their first Kings were *Cerdick* & his son *Cynric*, they came from Saxony in 495. and twenty four year after viz. in 519. the Saxon Annals say they took the Title of Kings: It is plain from the History of the following Princes, that Proximity of Blood was not their constant Rule of Succession, and that they were not absolute is evident from many Instances paticularly from this which follows.

*Cudred* King of West Saxony being dead, His Kinsman *Sigebert* was chosen in his Room. He became an intollerable Tyrant, oppressd his People, & either wrested, or eluded the Law for his own Advantage, upon which, they deputed *Cumbra* a Great Man & one of his Chief Officers to lay their Complaint before him, to perswade him to Govern more mildly, & to quitt his Barbarity, that he might become Acceptable to God & Man. But the King orderd *Cumbra* to be put to death, and grew more Tyrannical than ever, which so incens'd the Nobles & People, that they assembled in the Beginning of his second year, upon mature deliberation, & with unanimous Consent, drove him out of the Kingdom, & Chose *Kenwolp* a Prince of the Blood Royal in his stead. Says *Thorn* in his Cronicle.

Our

Our Authors, who rely Chiefly on Doctor Brady's Authority, for Asserting the Power of the Saxon Kings to dispose of their Crowns by Will tho Confuted by Mr. Tyrrel, may Perhaps value themselves Upon the Instance of *Cenwalch* King of the West Saxons who dying in 672 without Issue left the Kingdom by Will to his Queen *Sexburga*, as Malmsbury Sayes, but, they ought to prove, that he did so without the Consent of the Great Councill, which is very improbable, considering that all our Saxon Kings were oblig'd to Govern by their advice. But if it was otherwise in this Instance, it had a suitable Event, for Math. Westmunster tells us, the Nobles despis'd her, & turn'd her out in less than a Years Time.

*Egbert* tho no Prince of the Blood was chosen King of the West Saxons, after *Brissicus* or as some call him *Bryhtic*, who being Jealous of *Egbert's* Power & Interest Among the People banishd him, He retir'd to France, from whence after *Brissicus's* Death, the West Saxon Nobility recalld him and towards the Latter end of his Reign, He was in a Parliament at *Winchester* Chosen King over all the Saxons, which united the Heptarchy into one Kingdom, some place this in the year 800. but Mr. Tyrrel with more probability in 829.

Having thus taken a short view of the Saxon Heptarchy, the following Propositions are evident from their History.

1. That they had no Notion of any other Fountain of Power, but what was in the People or their Great Councill's which represented them, according to the practice of their Native Countrey from whence they came.

2. That they had no Idea of Hereditary Right in any one Family, to Govern the whole, otherwise they would never have divided into seven Independant Kingdoms, but continued in one Monarchy Under the posterity of *Hengist*, the first Saxon King.

3. That the West Saxon Kingdom, which swallow'd up all the others was founded in two Generals, who had no Relation to *Hengist*, & begun that Kingdom, in 519. sixty three years after he erected His Kingdom of Kent, which

which was in 456. & not only so, but Ida the first King of the Northumbers, was a West Saxon. Tho Hengist's son & Brother were the first who settled the Saxons in that Countrey, so little Regard had they to Hereditary Right.

4. That when the Saxons became Christians, they did not change their Notions of Government but instead of setting up one Absolute Hereditary Monarchy, not only continued the Heptarchy, but, subdivided several of these Kingdoms, among diverse Brothers at a Time.

5. That in the three Greatest Kingdoms, the West-Saxon, the Mercian, and Northumbrian, they practic'd Election and Deposition of their Kings, as the Case requir'd.

6. That we have no Instance of any Testamentary Disposition of Crowns without the Consent of the Great Council, except our Authors will alledge that of Cenwalch, which Issued in the Dethronment of the Legatee in less than a Year.

*The Heptarchy United.*

We have heard that, Egbert the first supreme Monarch over the Whole, came to that Dignity by Election in Parliament. We shall now take a View of his Successors, and the Manner of their Succession, till the Time of William the Norman.

But e're we proceed to Particulars, it is fit to lay down this Observation which is plain from the History, that tho the West-Saxon Kings were the Chief, yet several of the other Kingdoms continued, under their own Kings long after Egbert, therefor we find several of his Successors, who call themselves by their Particular Title, Kings of the West-Saxons, tho the other Kings were oblig'd in Person or by Deputy's to Attend the Great Councils, where, Laws were made for the Government of all the Saxons.

When Egbert dy'd, his son Ethelwolf who had been bred a Monk, was Chosen in his Stead, for want of a better, sayes Roger Hoveden: He was likewise recommended by this Fathers Will, according to the Custom

of



of those Times, when it was usual for Kings, to call together the Great Men of the Kingdom, for their Advice and Consent to such Dispositions, without which, they signify'd nothing. And the like was practis'd by the Kings of France in those dayes, as is plain from Mezeray & other French Historians, which the Authors of Hereditary Right, do fraudulently conceal, and Ascribe this Power to Kings, by virtue of their Prerogative. The Event prov'd, that the Saxons could not have Chosen a worse Man, than Ethelwolf, for this Imperious Priest, subjected the Dignity of the English Crown to the Pope, and that he might establish our Authors Divine Indefeasible Hereditary Right in his own Family, he prevaild with the Pope to Crown his son Alfred, who marryd a Daughter of France, and gave her the Title of Queen, without Consent of the Great Councill, which was against the Common, & statute Law, as we are inform'd by Florilegus, the Saxon Chronology, and Asser Menevensis. So early did France & Rome concur to Establish Tyranny in this Island. But we leave Alfred to his proper Place, & return to Ethelwolf. He was so far from being possessd of an Absolute Power, or deriving it from his Father, that Sr. Henry Spelman in his first Vol. of Councils, tells us, in the Year when King Egbert dy'd, A General Council was held at Kingston, where Egbert, & this Ethelwolf, and all the Great Men of the Nation were present, and among other Things, they confirm'd the Grant of the Lordship of *Mallings* in Suffex, which had been given, by Baldred King of Kent, to Christs Church in Canterbury, but taken from them, because the Great Men of that Kingdom, would not Ratifye the Donation. I mention this, to Confute the Ridiculous Prerogative insinuated by our Authors, to have been granted to the Saxon Kings by Austin the Monk, that they might dispose of the Succession by Will, since it is evident from this Instance, that they had not so much as a Power, to

make a Grant to his own Church, without the Consent of the States.

It is proper also to observe here, that the Pretensions of this proud Monk by Virtue of his Legantine Power from the Pope, were as little regarded by the Britons, who being commanded by him, to conform themselves to the Church of Rome, they Answer'd that they did not derive their Religion from that See, and that they would not admit of any Alteration in Religion, without the Consent of a Common Council says Bede. This is so much the more observable, because the Rampant Faction, are so bent on a Reconciliation with Rome, as our Mother Church, where as it is plain, that Christianity was planted in this Island long before Austin the Missionary of Rome, came hither, and that none but the Kentish & South-Saxons, receiv'd that Religion from him, for the Northern, & most of the Midland Saxons, were converted by the Scots, who agreed in most things, with the old British Christians. This Romish Priest, was so much nettled, with the Repulse he met with from the Monks of Bangor that he stir'd up the Neighbouring Saxons, to make War upon the Britons, and Among others, they Murderd these Monks, as *Nennius*, one of them who escap'd from that Massacre informs us. This passage is also mention'd by Popish as well as Protestant Authors. Thus it appears, that the Roman Idolatry was founded in Brittain by Treachery and Cruelty, and we may Justly say, that it can never be reintroduc'd but by the same Methods.

King Ethelwolf made a Journey to Rome, during which, his son Ethelbald form'd a Conspiracy to Dethrone him. This being like to issue in a Civil War, the Great Council to prevent it divided the Kingdom betwixt him, & his said son. About two Years after this Ethelwolf fell sick, & by his Will, which Asler calls an Hereditary or Commendatory Epistle. He, with the consent of the Great Council, as appears by Alfreds will, where the Intail is recited, orderd the Kingdom to be divided betwixt his two eldest Sons Ethelbald & Ethelred, the

the former had the West-Saxon Kingdom; and the Latter that of Kent, and the East & South Saxons.

After them King Alfred their Brother succeeded, by the General consent of the Whole Kingdom, so that he quit the Ill founded Title confer'd on him by the Pope, & own'd that he held the Crown, *by the Mercy of God, and the good Will of the Princes & Elders of the People*, sayes Affer in his Life. He prov'd an Excellent Prince, and we find by the Mirror of Justice cap. I. That the Coronation Oath which had been u'sd under the Heptarchy, not being suited to the Nation when united into one Kingdom, a New one was made in his Reign, with many other good Laws, to prevent the Abuses which had then crep'd in, the Chief of which, says the Mirror was, " That the King is reckon'd above the Law, to which as he is oblig'd by his Oath, he ought to be subject, therefore it was ordain'd & enacted in Parliament that all Plaintiffs should have Writs of Remedy in the Kings Court, as well *against the King & the Queen*, as against other People. And to prevent such Grievances for Time to come, it was also Enacted, that there should be Parliaments twice a Year at London, and oftner if need were. The same King in his Will, Exhibited by Affer, sayes, " All the Nobility agree with me, that by Law I am oblig'd to leave them as free, as the Thought in a Man's Mind. So that here, the Indefeasible Hereditary Right, Non-Resistance, & Testamentary Power of our Authors, was pluck'd up by the Roots, as soon as it was planted, by the Craft of a Priest, and the Concurrence of France & Rome. Since our Authors are so much for Testamentary Dispositions, here's one that is more for our Purpose, then Henry 8ths. is for theirs. And this being a Will executed by the Consent, & in the presence of the great Council or Parliament, and the only one we have left of our Saxon Kings, it certainly deserves the preference.

His Son call'd Edward the Elder, was Elected after his Death by all the Chief Men of the Kingdom; notwithstanding his being the Eldest Son, so that he abandon'd



ond' the Plea of Hereditary Right, as his Father had done before him.

Athelstan his Bastard Son succeeded, being first chosen King of the Mercians, & then of the West Saxons, so that they dispenc'd with the Law at Calcuth, against admitting Bastards to the Throne, because he was a Prince of great Valour. His being thus Elected is so much the more observable, that he had been nam'd in his Fathers Will, as his Successor, which is a new proof, that such Wills, unless ratify'd by the States, signifyd Nothing.

Edmund Brother to Athelstan succeeded, and tho' he left two sons, call'd Edwin and Edgar, their Uncle Edred, was prefer'd to the Crown before them. As we are inform'd by Malmsbury, Hoveden, & Huntington.

His Nephew Edwin succeeded by Election, but was depos'd for Incest, & other vile practices. Say Math. of Westminster Hoveden, & Flor. of Worcest.

His Brother Edgar, was chosen in his stead, by the General Councill, but depriv'd of the Crown seven Years, for debauching a Nun. And after he had endured that Pennance, by order of Parliament, they restor'd him, as we are told by the same Authors.

When Edgar dy'd, there was a great Controversy among the Nobility, about the Succession, some being for Egelred, or Ethelred, his youngest son by a second wife. And Others for Edward his eldest son, whose Interest prevaild, and he was chosen in a full Assembly. He enjoy'd it but a litle while, being Morderd by the Intrigues of his Mother in Law. After his Death, her son Ethelred was chosen by universal consent sayes William of Malmsbury, who gives this account of him, that he was Cruel in the Beginning, Wretched in the Course, and Infamous in the End of his Reign. The Danes over run the Cuntrey in his Time, and distress'd him so much that he was forc'd to retire into Normandy. After the Death of Sweno the Dane, to whom  
the

the Nation had in General submitted, the Danes chose Cnute, to succeed his Father Sweno, and the great Council of the English, sent to Ethelred, and told him they would receive him again, on Condition that he would govern better than Formerly. He made fair promises, but returned to his old Mismanagement, and soon after dy'd. Ailred Rievalis tells this odd story of his Conduct, viz. that being desirous to Establish the Succession in his Life Time, he for that end summon'd a Parliament where there were very great Debates, some being for Edmond his eldest son, & others for Alfred his second, but at last they drop'd them both, & Elected the Infant in the Queens Womb, to which the King gave his Royal Assent, and the whole Assembly swore fealty to the Child before it was born, but all this precaution signify'd nothing, for Cnute the Dane, had so great an Interest that he was Unanimously chosen in a Generall Council of the Nobility &c. where all the Issue of Ethelred was rejected says Hoveden. Cnute swore upon his being Elected, that he would Govern them according to their own good Laws. Yet the Londoners, with part of the Nobility, Elected Edmund Ironside, eldest son to Ethelred, he fought several Battles with the Dane, but at last by the Advice of the great Men, they agreed to divide the Kingdom betwixt them. And Edmund dying a few Months after, Cnute was chosen King over the whole, upon renewing his former Oath, which they demanded of him, tho' he had as much Right to pretend a Conquest as any Prince could well have. The Beginning of his Government was rough, yet he grew Mild in his Administration afterwards, caus'd the old Saxon Laws to be well observ'd, and made very good Laws in his own Reign.

When Cnute Dyed, Bromton, Kington, & Huntington say a great Council assembled at Oxford to determine who should succeed, and notwithstanding all the Interest of Godwin Earl of Kent, and the west Saxon Nobles for Hardicnute the Lawfull son of Cnute,

his Bastard son; call'd, Harold Hare-foot was elected King, he dy'd in the 5. of his Reign, when most of the Nobility sent to Hardienute then in Flanders, & invited him to return, wick he did, & was elected in Parliament with great Joy, sayes Huntington; but he soon made himself odious by his Tyranny, & falling ill in the midst of a Weding Jollity at Lambeth, he died suddenly. Upon this the Parliament met, & made an Act that no Dane for the future should reign in England, sayes Bromton, so that heres a perpetual Exclusion of the whole Danish Race, by the Parliament, without a King; a Law which was never yet repeald or Contradicted. Then they proceeded to choose Alfred the son of Ethelred, but he being murderd by the treachery of Earl Godwin; they chose his Brother Edward commonly call'd the Confessor; thô his elder Brother, Edmund Ironside's son Edward, & his son, Edgar Athling, were then both alive, sayes Bromton.

So far we have brought the History of the Succession, and it appears from the same Historians our Authors have quoted, that hitherto there is not the least Pre-  
tence, for Indefeasible hereditary Right, or the Power of our Princes to dispose of the Crown by Will, without consent of the States, but on the Contrary, that the Succession was alway determin'd by the Authority of Parliament, from the coming in of the Saxons, to the end of the Danish Conquest. And that the Saxon Line was restored by the same Authority.

When the Confessor was settled on the Throne, Edward son to Edmund Ironside, and his son Edgar Athling who had the Title by Proximity of Blood, were abroad, but invited home, by the Confessor, who receiv'd them very Joyfully and entertain'd them with great Confidence; a strong presumption, that he was under no apprehensions of being disturb'd by them as an Usurper. This instance is so full, against our Authors Hereditary & Testamentary Scheme, that they are at a great deal of pains to make an Apology for the

Con-



Confessor; & I suppose this to be one of their Reasons, that he is Canoniz'd by the Church of Rome, whose credit they would willingly save, that it might not be thought, mother Church would give the Title of Saint to an Usurper. They can't deny those Princes were nearest in blood, therefore they say p. 26. " That  
 " when the Right Heirs were at such a Distance as  
 " Hungary, whither they were driven by Force, &  
 " their Condition & Circumstances unknown, that  
 " they could neither have Notice of the Vacancy, nor  
 " return an Answer in any reasonable Time, either  
 " there must have been no Government, or King Ed-  
 " ward had good Cause to take it upon him, having a  
 " Prior Title, to any one else in England.

To what miserable shifts are these Men reduced, for Defence of their ridiculous scheme, & false Accounts of History. Had Proximity of Blood, without Consent of the Estates been a sufficient Title, might not the Confessor have contented himself to be Viceroy, and ought he not to have restored the Scepter to the Right Heir when he arriv'd.

Our Authors go on with Edwards Apology thus;  
 " If it be said that he was an unjust Possessor, his Ne-  
 " phew's by his eldest Brother being living to whom he  
 " ought to have resign'd the Crown. I answer, that  
 " when Historys are silent, it does not become private Per-  
 " sons to be forward in passing Judgment on the Actions  
 " of Princes. The Authors who have transmitted to  
 " us an Account of Edwards reign, say nothing upon  
 " this subject, either that the descendants of Edmund  
 " Ironside, lay'd claim to the Crown, or that King  
 " Edward discover'd any Inclination to do them Justice  
 " till the eleventh Year of his Reign, but it may possi-  
 " bly be unreasonable, from thence to infer, that all this  
 " Time, he was a wrongfull Possessor, because Cases  
 " may be Suppos'd of Princes who for want of Power  
 " & Opportunity of doing Right to the Lawfull Heir,  
 " are forc'd to endure the Burden of a Crown, which  
 F 4 they

22 they would readily, & gladly ease themselves of,  
 22 upon a proper occasion: as when the Rightfull Heir  
 22 is abroad, in a distant Kingdom, and perhaps at the  
 22 Disposal of a forreign Prince, on whose will and  
 22 Pleasure his Return to his Countrey chiefly depends.  
 22 When the Possessor of a Throne, has this to plead  
 22 for himself, (which may be true of King Edward  
 22 for any thing that can be alledg'd to the contrary) I  
 22 may appeal to the severest Interpreters of the Actions  
 22 of Princes, whether the exercise of Royall Power in  
 22 such Circumstances can be Charg'd with Usurpation,  
 22 or as some chuse rather to expresse themselves, whe-  
 22 ther such a Person, is only a King de Facto, for it  
 22 is not the bare seizing and filling a Throne, but the  
 22 will of the Possessor that must denominate him an  
 22 Usurper. He that invades anothers Right, with an  
 22 Intention to detain it from him, and a Resolution ne-  
 22 ver to restore it to the true Proprietor, is certainly  
 22 guilty of the highest Injustice, but if he accepts of a  
 22 Crown, only that he may secure it to the Right Owner  
 22 and the better dissappoint the Designs of his Enemyes,  
 22 most certainly he obliges him, by a very extraordinary  
 22 Act of Friendship. Any Body may see, that our Au-  
 22 thors have severall Views in this Apology; which are as  
 trayterous, as their History is false:

They value themselves, no doubt, on this Part of  
 their Performance, as some thing extraordinary, and  
 think they have pleas'd more Persons than one by it,  
 but upon a very superficial View, it plainly discovers  
 our Authors & their Directors to be sorry Casuists, vile  
 Traytors, and Wretched Historians,

That they are sorry Casuists will be evident, thus;  
 They have asserted from the Act of Recognition to King  
 James the first & That the Hereditary Right of Succel-  
 sion, is Divine, and Indefeasible. If that be true, as  
 they have Affirm'd oftner than once, upon other occa-  
 sions; no Apology can be made for the Confessor, or any  
 other Person who detains a Crown from the Right  
 Heir,

Heir, on any pretence whatever. For, if Hereditary Right be Indefeasible by Divine Institution, it must be a domnable sin, (to use their own popish Dialect) for any one to meddle with it, that has no Title. The Goodnesse of the Intention, can never warrant an unlawful Action if the Apostl's Doctrine be true. *That we must not do evil that Good may come of it; And that we are oblig'd to abstain from all Appearance of Evil:* So that unless our Authors can prove, that Edward the Confessor, accepted the Crown with a Protestation, that he did it only to Keep it for the Right Heir, his Conduct can be no Apology for himself, or any other Prince in the like Case, nor can we Suppose his Friendship to his Kinsmen was such, that he would damne himself for their sakes. By this however we see, what good Protestants our Authors, & their Directors are, who advance, one of the most Villanous Principles of the Church of Rome, viz. that the Goodness of the end will Consecrate the most execrable Methods that can be made use of for Attaining it.

That our Authors and their Directors, had a Treasonable Design in this Apology, will be no less evident by what follows; They tell us that Edward discovered no Inclination to do the Right Heirs Justice till the 11. year of his Rign, yet by any Thing they quote it does not appear that ever he design'd to do his Brothers Posterity, what they call Justice, in that or any other year of his Reign, but quite the contrary, as shall be prov'd anone from their own Vouchers. We have Reason therefore to Suppose, that their mentioning the 11. year of his Reign, is calculated for that of Another Person, whom they dare not name, but have made this treasonable Insinuation on purpose to raise Jealousies in the Nation which may be of dangerous Consequence.

Their talking of the Rightfull Heirs being in a distant Kingdom, & perhaps at the Disposal of a Forreign Prince, on whose will his Return to his Countrey Chieftly depends, cannot elate to Edgar Athling, or his Father, for the Historys of those Times tell us, that thô Ca-



nute the Dane, treated the sons of Edmund Ironside very well at first, yet fearing that the Saxons, or as we may now call them English, might according to their old Constitution, choose one of them to be King upon his Death, and so exclude his Posterity, he sent them to his Governour of Sweden with Orders to murder them, but that Gentleman taking Compassion of their youth, and pitying their Misfortunes, he sent them privately to Solomon King of Hungary, & made Canute believe they were Dead. The King of Hungary, treated them according to their High Birth, and had such an Esteem of Edward for his princely Qualities that he gave him his Daughter, by whom he had Edgar, so that there is no Room for our Authors Supposition, that King Solomon would hinder his son in Law, and his Grand Son from returning to England, especially on the Prospect of a Crown, and our Authors themselves inform us, that they returned in about 3 Years after the Confessor was Crown'd: this Part of their Apology therefore does no way suit the Case of Edgar, but must have a Prospect to St. Germans or Barle Duc.

What our Authors say, in Excuse of Princes, who for want of Power & Opportunity of doing Right to the Lawfull Heir, are forc'd to endure the Burden of a Crown, which they would readily ease themselves of, upon a proper Occasion, can never be design'd as an Apology for the Confessor, who had the Right Heirs in his Court, for 8. Years together, if we may believe these Gentlemen, before he inclin'd to do them Justice: This Apology then must be design'd for some other Person, who neither needs, nor desires it, and therefore Justice ought to be done upon our Authors & their Directors, for such a malicious & Treasonable Suggestion.

What they say further to clear a Prince from the Charge of Usurpation, who accepts a Crown only to secure it for the Right Heir, and the better to disappoint the Designs of his Enemys, is so bigg with treasonable Insinuations that every Body may understand them.

But

But this is no new Thing with the Faction, as will appear by the following Instances. 1. The Author of King Williams Exorbitant Grants, dedicated to her Majesty, and submitted to the Consideration of the House of Commons in 1702. had the Impudence to reflect on King William for Settling the Hanover Succession, and was so treasonably bold, as to constitute her Majesty Guardian to the Pretender, whom he thought fitt to call her Brother, in order to secure the Throne for Him, and to Keep Forreigners out of it. Nor did he stop there, but propos'd such an Agreement betwixt her Majesty and the Pretender, as was betwixt King Henry VI. & Richard Duke of Yorke, viz. That the Crown should afterwards be secured to the Duke & his Heirs. This that Author had the Impudence to propose tho' History tells us, that the Model he layd down, as proper to be follow'd, was the Result of a successful Rebellion, by the Duke of York, which Issued in another that cost him his Life, upon which his son Edward V. stepd, in and Henry the sixth lost his Life in the Tower. Yet the Author of this treasonable Proposal, one Fitz-Gerrald an Irish Papist, instead of meeting with the Punishment he deserv'd, was rewarded by some Body, who gave him Mony to pay his Debts, for which he then lay in Prison, and maintaind him afterwards till he died.

The 2. Instance was that of Mr. Ferguson, who being examin'd before the Councill, or a Committe of them, about the Scots Plott, he had the Assurance to give them the Choise of the same proposal, or of such Another Accommodation as was made betwixt King Stephen, & the Right Heir afterwards Hen: II. yet he also escap'd without Due Punishment.

The 3. Instance is the Author of the Conduct of the Allies, the Oracle of the Faction, who was likewise so bold as to assert, that our Circumstances might be such, that it would be necessary to set aside the Hanover Succession, therefore he was very angry at the Treaty betwixt

twixt us and the Dutch for securing it, and urg'd that the said Treaty should be altered. He had likewise the Impudence, to banter and out brave My Lord Ch. Justice in Defence of his Libell, when he heard that his Lordship, had said that his Proposal for setting aside the Hanover Succession was Treason.

It is not improbable, that our Authors have been imbolden'd, by those Instances of Impunity, and since they perceive, that the Advice of the Author of the Conduct of the Allies, has been follow'd in other Things, they feed themselves & others of the Faction with treasonable Hopes, that it may also be follow'd in this, and no doubt they drink heartily to it, by their new Toast, To the next Bold stroke.

It is well for our Authors, and their Directors that they are not Whiggs, otherwise Jurys might be found who would swear to their Meaning from the Coffee-House talk about Town, tho' no Body should talk so there but themselves; especially if those who draw up the Information, have the good Luck, to fix their meaning by a Bold Innuendo.

I shall add no more on this subject, but that if her Majesty, & the Illustrious House of Hanover have not Justice done them, for these Treasonable Insults, they are very ill serv'd. And I shall not wonder if the Scots Highlanders & other Scots & English Jacobites who have been so forward to set aside the Hanover Succession by their Address'es, make an Attempt to do it by their Swords.

Having thus done with the Treasonable Appications, which our Authors make from the Conduct of *Edward the Confessor*, and Edgar Athling, we shall further examine the matter of Fact, as they lay it down, from History.

What they say of History's being silent, as to the Reasons of Edwards detaining the Crown, from Edgar, is false, for they themselves quote Ailred Rievalensis, who says the English would not have Edgar Athling, because he was a boy, when his Father Edward died,

nor



nor do our authors bring any proof that he ever offerd to resign to the Father.

They likewise Say p. 28. that the Confessor would not name Edgar, because he wanted the Qualifications necessary for a King, either in Body or Mind. For which they quote Ingulphus. This is the best Apology they have yet made for the Confessor, and proves him an honest Man, since he would do Nothing on his Part towards advanceing an unqualify'd Person to be his Successor tho' he was next in Blood.

They likewise quote p. 31. The Saxon Chron. Malmesbury, Bromon, Higden, Simon of Durham, & Florence of Worcester, who say, that upon Edmond Ironsides Death all the Bpps & Nobility in a General Council at Lond: told Canute the Dane, that they would willingly choose him King, obey him, and maintain such Part of his Army, as they thought Necessary to be kept in England, on Condition that he and his Danish Nobility, would swear to maintain them, in their Priviledges and Laws, upon which Canute demanded of them, whether they were not under a Previous Engagement to Edmund Ironsides Posterity, they answered that they were not, and would not have them to be their Kings. This makes it evident, that it was not in the Confessors Power to resign the Crown, if he had inclin'd to it, either to Edward or Edgar, without the Consent of Parliament, who had excluded Ironsides Posterity, as they had formerly done that of Ethelred.

Our Authors alledge further p. 32. " That the Confessor for being half Brother to Hardy-Cnute, & much in his Favour, he was by him appointed, his Heir and Successor, & having acquired the Crown by this Donation, he might dispose of it as he pleas'd.

But there is no Foundation in History for this wild Conjecture, for Hardy-Cnute, as we have heard already had no other Title to the Crown, but the Consent of Parliament, he knew it too well, by their Excluding Him on the Death of his Father, & setting up his Bastard Brother,  
upon

upon whose Death, they sent for Hardy Knute from Flanders, but they were so ill satisfy'd with his Conduct that they excluded all Danes for ever. Therefore allowing it to be true as they alledge from Gemeticensis in his History of Normandy, that Hardy Knute nam'd the Confessor to be his Successor, his Evidence is of no weight against so many of our own Historians. Besides it is plain, that the Estates had no Regard to Hardy Knute, or his will, if he made such a one, but conferr'd the Crown upon Edward the Confessor, because of his own Merit, which was so Bright and Conspicuous, that he has been made the Pattern, & his Laws the Model of Government for all Princes that have come to the Crown since his Time. And indeed it shocks common sense to Suppose that the Parliament of England, which in those days, were such brave Asserters of the Nations Liberty, would allow a King to dispose by Will of the Crown, which he held by their Election.

We come next to consider, the Laws of this excellent Prince, Edward the Confessor. Edgar, his Predecessor form'd the Saxon Laws into a sort of a Code, but they ow'd their Perfection to Edward the Confessor, and layd the Foundation of Magna Charta, from which the Nation has never since parted, but when Tyrants committed a Rape upon our Libertys, Among others of his Laws, there was one Cap. 17. De Officio Regis, i. e. the Duty or Office of a King. Lambert, in his ancient Laws of England, p. 142. gives it at large: & the substance of it is Thus.

Rex autem &c. i. e. "The King because he is the Vicegerent of the King of Kings, is constituted for this  
 " End, that he may Govern his Earthly Kingdom, & the  
 " People of the Lord, & especially to Govern & reverence Gods Holy Church, & defend it from Injuries,  
 " & root out Destroy and wholly extirpate all wicked  
 " Doers out of it, which if he don't perform, *he shall not*  
 " *so much as retain the Name of a King*, and a litle lower.  
 " The King must act in all Things according to Law,  
 " and by the Judgment of the Peers of the Kingdom,  
 " for

" for Right and Justice, ought to reign in the Kingdom,  
 " rather than a Deprav'd will. It is alwayes the Law,  
 " which does Right, but will, Violence, and Force is  
 " not Right.

" The King ought also to establish good Laws and ap-  
 " proved Customs, and abolish all bad ones out of the  
 " Kingdom; he ought to give true Judgment, and to  
 " administer Justice by the Advice of the Peers of his  
 " Kingdom. All these Things he ought in proper Per-  
 " son to swear he will doe, looking upon, and touching  
 " the Holy Gospels & Reliques, in Presence of his Peo-  
 " ple & Clergy, before he be Crown'd by the Arch-bpps  
 " & Bpps of the Kingdom.

From this Law we may observe, that our Kings had  
 no Right to the Administration, till they took the Co-  
 rationation Oath, or enterd into an Original Contract with  
 the People, & if they broke, they were not so much as  
 to retain the Name of a King, that his Power was so far  
 from being absolute, or his own Will the Rule of Go-  
 vernment, that he must Govern according to Law, and  
 do all things by the Advice of Parliament for so the Word,  
*Proceres Regni*, was understood in those Times. That  
 Phrase, & *Communitas Regni*, being then Synonymous.

I am of Opinion, that by this Time, our Authors be-  
 gin to grudge this excellent Prince the Title of a saint,  
 for this Law perfectly destroys, their Indefeasible Here-  
 ditary Right, their Testamentary Dispositions of the  
 Crown, and their unlimited Non-resistance, he must  
 needs then make a very foul Blot in the Tory Callendar,  
 but shines like a Morning star in that of the Whiggs;  
 George Buchanan shall be my Voucher, who summs it  
 up thus in a very few Words, *Regnum in Anglia Sanc-  
 tissime Gessit!* i. e. he Govern'd most Justly in England.  
 So that after this no Body shall call him more heartly a  
 Saint than I do.

We come now to the Will of this excellent Prince,  
 which do's our Authors as litle Service, as any Thing  
 they have yet produc'd, for this Will on which they rely  
 so



so much, was so far from being *ex mero motu*; that they themselves tell us, p. 24. from the Authority of *Ingulphus*, that Edward named *William* the Norman for his Heir to the Crown, by the advice of his great Men and Counsellors, that it was ratifyd by the express Assent of the Nobility & People of England, & notified in a solemn Embassy to the Norman by the Arch-Bpp of Canterbury. They likewise inform us, that *Harold* who afterwards came to the Throne, being then steward of the Household to King *Edward*, did also go into Normandy, and swore to *Williams* Succession; For this, we have not only the Testimony of *Ingulphus*, but that of *William of Poitou*, *William of Malmsbury*, *Ordericus Vitalis* & others. Witnesses enough, to prove this to have been a Parliamentary Will, and by Consequence nothing to the Purpose for which our Authors brought it, viz. to support their Assertion; that *Edward* might have disposed of the Crown as he pleas'd.

We come next to his Will in Favour of *Harold*, which our Authors say p. 23. He pleaded against the Norman alledging that it was a later will, than that made for him, & therefore according to the Practice of England from the time of St. Austin, Donations at the Point of Death were held to be valid. Our Authors indeed deny this Will, because *William of Malmsbury* says nothing of it, and I am as unwilling as they to believe that this Whiggish Saint, did so manifestly contradict himself, either on his Throne, or his Death Bed, but since the World is changeable, and that our Authors & their Directors, have the commendable Faculty of speaking and acting pro & con, as it serves their Turn, I think it Necessary to put in this Caveat against the said Will, that the Authors who speak of it, do likewise say, that upon the Confessors Death, the People Chose *Harold*, so that, if there was such a Will, his Title did not depend upon it.

To set this Matter in as true a Light as we can, from our Historians. Even *Malmsbury*, whom our Authors will have to say nothing of the Will in Favour of *Harold*,

owns

owns it was mention'd by others, but he gives us Harold's Plea in such Terms that I don't wonder our Authors omit it, viz. that Harold excused the Breach of his Oath to the Norman, thus. That it was presumption, so to swear, or promise the Succession, without the Consent, of Parliament. William *Gemeticensis*, gives us also this Answer of Harold, and *Math. Paris*, *Math. of Westminster Flor.* of *Worcester*. and the Continuer of *Bede*, do all affirm that Harold was appointed Heir by King & Parliament, So that go which way they please our Authors Lose their Point of the Confessors having bequeath'd the Crown, by virtue of his Prerogative, And if it be true that Edward chang'd his Mind, it was because of the Favour which the Nobility and People bore to Harold, as we are told by *Malmesbury* and the Continuer of *Bede*. The Confessor was too good a Saint and a King, to dispose of the Crown otherwise than as they thought fitt. He knew that so great & so brave a Nation as England, was not to be disposed of by Will, as men dispose of their Lumber & Cattle, and as he had ty'd up his own Hands by the Law concerning the Duty of a King, he ty'd up his Successors in like manner, from doing any Thing but according to Law, & by the Advice of Parliaments: and that these should be frequent enough, he took care by a Statute that one should be held Annually upon the Calends of May: and that the People might understand, that their Loyalty was not confin'd meerly to the Person of the King, the great Oath of Allegiance, run thus. That they should be a Sworn Brethren to defend the Kingdom, together with the King, against Forreigners & Enemys, and for the Maintainance of Common Justice &c.

Edward the Confessor being Dead, and his Brother Ironside's Posterity excluded by Law, Harold assumed the Crown, by Virtue of the above mention'd Title, tho he had as Little of the English Blood Royal in his Veins, as any of our Authors Directors. But mark the Issue. William the Norman, was not so tame as to abandon his Title ratify'd by a Parliament, with Edwards Consent,

when he was in health of Body, and of a sound Mind, and had notify'd it to him by a solemn Embassy, but over he comes, without any Regard to this pretended later Will, sign'd in Articulo Mortis, or to the Ratification of it, which viis & modis had been obtain'd in Parliament. And God so prosper'd his Indeavours, that he defeated & Kild Harold in the Field, and took Possession of the Crown, by Virtue of his prior Parliamentary Title. Our Authors & their Directors, are desired to observe, that the Whiggs will be apt to lay up this Instance, against a proper Occasion. We know what the Faction would be at; Here are contrary Settlements, made by Parliaments, in one and the same Reign, if the Historians quoted, speak true, and heres a Will trump't up in Favour of Harold, who was nothing of Kin to the Royal Family, but the first Parliamentary Title prevails, against all the Tricks of a Perjured Mushroom, with his Testamentary Disposition. The party may be pleas'd to observe further, that it is not only contrary to Common Sense, but Treasonable for them to Suggest the possibility of such Contradictory Settlements during her Majestys Life: and if they should obtain it, by Frand and Usurpation afterwards, they are desired to remember the Fate of perjured Harold, and his Knavish Faction.

Thus we have brought the Right of the Parliament to depose Tyrants, and to settle the Succession of the Crown clear down, to what's call'd the Conquest, against Unlimited Passive Obedience, Indefeasible Right, and Testamentary Disposition; we shall now go on to the Times that follow'd.

*An Account of the Constitution after the Pretended Conquest.*

William the Norman having thus triumph'd over Harold, he march'd for London, with Abundance of Bishops; and the Citizens, by the Advice of the Nobility went out in Multitudes to meet and salute him, and so he was receiv'd



ceiv'd & Crown'd King with great Joy, by Universal Consent as Malmsbury, Math. Paris, Florilegus & Huntington tell us. Gemmeticensis his own Country Man adds, that he was chosen by all the Nobles, and anointed with sacred Oyl by the Bpps; and Walsingham informs us, in which Math. Paris, and Hoveden agree, that he solemnly swore before his Coronation, in Presence of the Clergy & People, that he would inviolably observe the good & approved Ancient Laws, which the holy & pious Kings of England his Predecessors, had enacted, & especially those of King Edward. William of Newbriggs adds that he requested to take this Oath, because he abhor'd the Name of a Tyrant, and rejoyc'd in the Title of a Lawfull Prince, so that, the Title of Conqueror, will do our Authors as little service, for the unbounded Prerogative they ascribe to our Princes, as their baffled Plea from Divine Indefeasible Hereditary Right. For he not only layd aside all that he could claim by the Sword, when he took this Oath, but if we may believe the Lord Ch. Justice Coke in his Institutes, Lib. iv. p. 11. The Treatise call'd *Modus tenendi Parliamentum* was read before him, which he very much approv'd, and accordingly summon'd a Parliament. By this *Modus*, it was provided, that the Parliament ought not to be ended, while any Petition is indiscuss'd, and it was the Custom of after Ages, sayes his Lordship, (who made very much use of this Book in Composeing his Institutes) to have publick Proclamation made, within the Pallace where the Parliament satt, to know whether there was any Petition that had not been Answerd. By all this it is plain, that the Norman, tho' call'd a Conqueror, was as much limited in his Prerogative, as any of his Predecessors.

To return to our Authors, they tell us p. 35. " That  
 " after the Confessors Death, Edgar Athling either did  
 " not claim the Crown, or made a Surrender of it, and  
 " that no English man that we hear of, resent'd his Ex-  
 " clusion. We have said enough already to shew they  
 had very good Reason, he was excluded again & again,

by Act of Parliament & since he had Nothing to claim, he had as little to Surrender. Yet they tell us by & by, that after the Battle of Hastings, the Saxon Nobility being sensible that their Lives & Fortunes were in Danger, they declared Edgar Athling their King, to make a stand against the Conqueror, but that proving a vain Effort, Edgar and his Adherents submitted, & swore Fealty to the Conqueror. Our Authors are so indistinct, that they don't tell us how long it was, after the Battle of Hastings, that this Revolt happend: but Math. Paris, informs us that it was in the 4<sup>th</sup>. year of the Norman's Reign, when the English perceiving their Lives in Danger, they assembled a great Army, upon which King William being Highly affraid, of basely losing the Kingdom, that he had Acquir'd with so much Blood, and that he should also lose his Life; he called a Parliament. at Barkhamsted, where he swore again, to observe inviolably the good ancient & approv'd Laws of the Realm, especially the Laws of King Edward.

Our Authors tell us in the same Page, that Edgar revolted again, Joynd with the Scots, and layd siege to York, but being obliged to retire by the Conqueror, he again submitted, had Honours & Riches heapd upon him, and never more claim'd the Crown, by which say they, the Conqueror became King de Jure. This is another of their Inconsistencys, for they tell us afterwards, in the Case of Richard Duke of York, that forceable Possession, & forced Resignations, could give the House of Lancaster no Just Title, yet here they say it makes the Norman a King de Jure, but by their Leave, he was three Times made King de Jure before, first by his Parliamentary Title, when he was in Normandy, & twice after he came over. From this Account given by themselves, it appears that our Ancestors, thought it not only lawfull, to take up Arms against the Norman, in defence of their Lives & Liberties, but also to dethrone him, and set up another, so that, take this Part of our History which way they will, it is intirely against their Indefeasibility.

fible Right, their Nonresistance, their Cessions, and their Testamentary Dispositions.

For thô we grant, that Edgar might divest himself, by Consent of the Estates, yet neither he nor they, could give away the Right of his Sister Margaret, Queen of Scots, and her Issue, had it been Divine and Indefeasible, but that was not the Doctrine at that Time in Scotland, no more than in England, otherwise Malcolm King of Scots, would not have been so tame, as to have parted with the claim of his Queen, and his Children as appears, by the following Passage of his History, which we have from Buchanan. William the Norman after he was settled on the Throne, vented his Fury on every trifling Occasion, upon the English & Danish Nobility.

Edgar with his Mother and Sister fearing the like Treatment, took shipping to return to Hungary, but being drove into Scotland by a Tempest, King Malcolm received them courteously, and falling in Love with Margaret Edgar's Sister, he Marryd her. The Norman, dreading a New storm from that side, sent to demand Edgar, and denounc'd War if Malcolm refus'd to give him up; notwithstanding which Malcolm not only refusd the Conquerors Demand, but entertaind Edgar, according to his dignity, with his friends, who retired in great Numbers from the Normans Cruelty, and gave the Chief of them Lands, from whom, sayes the Historian many great Familys in Scotland are descended. The Norman having declar'd War against the Scots on this Account, Sibard Earl of Northumberland, who favourd Edgar, Joynd the Scots, & they defeated King Williams Army, Commanded by Roger a Norman Lord. Then William sent the Earl of Gloucester with a greater Army, who being overmatchd by Patrick Earl of Dumbar, a Scots General, William sent another and a greater Army under his Brother Odo, Earl of Kent, he was routed, by King Malcolm & Earl Sibard, upon which William sent his son Robert with another Army, but he being able to do nothing, the Norman at last came to a Peace on the following



Terms, That Stanmore should be the Boundary betwixt the two Kingdoms, and a Cross set up, with the Statues and Arms of both Kings as a mark of the Boundary, that Cumberland should be held by the King of Scots in Fee of the Crown of England as formerly, that Edgar should be restored to King William's Favour, & have a large Estate given him, that Earl Sibards Son, his Father being then dead, should be restored to his Possessions, and have Williams Granddaughter to Wife, after this Edgar liv'd constantly at King Williams Court, & never gave him any more Trouble. This is sufficient to prove, that King Malcolm with Edgar's English Friends, had Advantage enough to have insisted on the Divine Indefeasible Right, had any such foolish Principle, been then entertain'd, either in England, or Scotland. But King Malcolm, & they, were wiser than to contend the Normans Parliamentary Title, so long as the Bulk of the Nation adher'd to him. Malcolm likewise knew, that he himself, held the Crown of Scotland, meerly by a Parliamentary Inrail, which had been obtain'd in the Reign of his Great Grand Father Kenneth, for till then, the Scots knew nothing of Hereditary Right, but upon the Death, or Deposition of their Kings, chose the next of the Royal Family whom they thought fittest to govern. The Alteration of that Custom, having occasion'd a Civil War, by the Princes of the Blood, who thought themselves unjustly depriv'd of the Chance which by the former Constitution they had for the Crown, Malcolm was the first, who left it peaceably to his own Issue, according to the new Law; so that we are not to wonder, that he did not insist on a Divine Indefeasible Right to the Crown of England for his Posterity, since he knew that the Scots would be very unwilling to bring such a Yoke upon their own Necks, by wreathing it upon that of their Neighbours. This I hope will be reckon'd no impertinent Digression, since it proves that the Parliaments of both Kingdoms, were those who determin'd the Succession.

To return to William the Norman ; It's the common Opinion of Historians, that by his last Will, he left the Crown to William Rufus his second son, exclusive of Robert his Eldest. But the Book of Caen in Normandy where he dyed sets, this Matter in a clear Light, for it tells us, that William only recommended his son Rufus, by his Will, after which it adds the following Clause, *Neminem Anglici Regni constituo Hæredem, non enim tantum decus Hereditario Jure possedi: i. e. I appoint no Body Heir to the Kingdom of England, for I did not come to that great Dignity by Hereditary Right.* Thus our Authors, have lost both their Hereditary & Testamentary Plea, from him at once: They themselves give up the Hereditary Right, p. 35, 37. where they Justifye his excluding his eldest Son, because he had provok'd him by frequent Rebellions, and that he perceiv'd him unfit for Government. Then as to the Will, Malmsbury, Simon of Durham, Brompton, and Matth. Paris, tell us, that upon William's Death, Rufus assembled a Parliament, acquainted them with his Fathers Will, desired their Consent to it and after long Consultation they agreed to make him King.

As our Authors have Nothing from William the Norman, to Justify the Hereditary, and Testamentary Succession, they have as litle for Absolute Power, since it is evident by his Laws, which confirm'd and explain'd those of St. Edward, no Taxes were to be Levy'd but by Consent of Parliament, nor were any to serve him in Arms, but according to their Fees and Tenures settled by Act of Parliament. Had this been duly adverted to, the Parliament of 1641. would not have been so pelted as Rebels, for opposing King Charles the I. Commissions of Array, and his insisting on having the sole Power of the Militia, to command them to do as he pleas'd;

We return to Rufus, he was Crown'd by the Archbishop of Canterbury, upon his taking the usual Oath, but his eldest brother Robert, put in his Claim, as next Heir in Blood, which was favour'd by the Normans, both in Normandy and England: Upon this, Rufus summon'd

a Parliament, acquainted them with the Treachery of the Normans, renew'd his Oath to the English, and they promis'd their Allegiance to him, which baffled the Attempt of Duke Robert, & his Norman Accomplices, as we are told by Simon of Durham, & others of the Authors above mentioned.

When Rufus dyed, Duke Robert once more put in his Claim, but the Parliament rejected it, say Math. Paris, Westminster & Brompton, because of the Cruelty of his Disposition, his Proneness to Revenge, and his Aversion to the English Nation. After this they Unanimously concur'd to Choose his younger Brother Henry, on Condition that he would restore them their Ancient Liberties, confirm them by his Charter, and repeal the severe Laws, that were made by his Father. This he agreed to, and in his Charter, the first that was call'd Magna Charta, he owns his Title, thus, Sciatis &c. i. e. know all men, that I by the Mercy of God, and the Common Council of the Barons of England, am Crown'd King of this Kingdom. So that here is the third Parliamentary Title and Original Contract since the coming in of William the Norman. But Duke Robert, the honest Divine Indefeasible Heir, would not be so satisfy'd. He levy'd an Army, to make good his claim, yet when he came to the Field, he was content to take Three Thousand Pounds per Annum, and to have some some Lands in Normandy restor'd him, in Lieu of the Crown, to which he renounced all his Pretensions. But thinking his Brother had too good a Bargain, he soon broke the Contract, and since we would not let him play the Tyrant in England, he playd the Devil in Normandy, where oppressing his Native Subjects, they beggd King Henry to come over and assist them, he did it very readily, fought & took his Eldest Brother, and sent him Prisoner to England to learn better Manners. The Pope interpos'd, and demanded his Release, but Henry Answerd, that what he had done, was by the Advice and at the pressing In-



Instances of the Bishops, Clergy & Chief Nobility of Normandy, because of the insufferable Oppressions of his Brother, which tended to the manifest Ruin of their Countrey, therefore they intreated him, to rescue it from the Tyranny of a Person, who was by no means fit to Govern. A plain Proof, that the Normans as well as the English, did in those Dayes think it lawfull to depose Tyrants, which is so much the more remarkable; that King Henry who was the most learned Prince in his Time, and therefore called Beau Clerk concur'd with them in it, pulld down his Eldest Brothet from his Throne, and kept him in Prison till his Death; having so far mitigated the Sentence of the Barons, who had condemn'd him to dye, Says Knighton.

The absolute Power of the Prince, was so litle known by good King Henry, that when pope Paschal made an Unreasonable Demand of him, he sent him an Answer, that during his Life, the Dignities & Customs of the Kingdom of England, should not be diminishd, & if he should so far debase himself, his Nobles & People, would never Suffer them to be altered.

Henry having Acquired the Crown himself by Consent of Parliament, was willing to secure it to his Posterity the same Way, which had been perfectly needless if the Principles of our Authors, had then been thought on, but Henry was wiser than so, he calld a Parliament, where he got the Succession settled on his Son William, and the Members swore to it, but that young Prince being unfortunatly cast away, betwixt England and Normandy, he obtaind the Succession to be settled in the same Manner, on his Daughter Maud.

Notwithstanding all this precaution, his Daughter being out of the Kingdom, when he dyed, Stephen Earl of Bullogne, who among others had Sworn to her Succession, itepd in before her, and by the Inconstancy of the People, and the Knavery of the Priests, was

chosen King in Parliament, and Crown'd by the Arch Bpp of Canterbury, on his swearing to preserve the Peoples Liberties & confirm them by his Charter, and they on the other Hand swore to be true to him, so long as he observ'd the Tenure of the Grand Charter. The pope Consecrated this Piece of Villany, by his Charter of Confirmation, wherein he sayes, that since Stephen was chosen by the Nobility and People such an Universal assent must needs be directed by the Divine Grace. Tho this was wicked to the highest Degree, since Maud had done nothing to forfeit her Title, yet this we get by it, that it proves the Universal Opinion in those Dayes, to have been that an Act of Parliament was Sufficient to make a good Title to the Crown, without any Claim of Hereditary Right, for Stephen had as little Pretence that Way, as old Mortimer that was hang'd on the Elms in West Smith-field, as we shall hear afterwards.

For the better understanding of this History, it is proper to observe here, that Maud was marryd first to the Emperor, and after his Death, to the Earl of Anjou in Normandy, with whom she was, when Stephen came to the Throne.

Our Authors have carefully set down, in their Text & Margin, the miserable Evasions, which Stephen and his Perjured Adherents, who had formerly sworn to Maud's Succession, made use of to defend their Practice. This has so great a Resemblance to the Conduct of the Faction, who now dispute her Majestys Title, and the Hanover Succession, that it is rational to Suppose our Authors & their Directors, have been the more Particular in it for the Confirmation of their Friends, who have taken those Methods, and the Instruction of others, who have a Mind to follow their Exemple in playing fast & loose with their Allegiance and oaths.

We come now to the Particulars. The Bishop of Winchester who was Brother to King Stephen, Argued thus; That Maud was not to be expected of a long Time, she made many delays in coming to England from Normandy,

dy, where she resided, therefore, there was a Necessity to provide for the Peace of the Countrey, and upon that Account, Stephen was permitted to reign, thô Alas! Poor Lady, her delay proceeded from her conjugal Affection to her Husband the Earl of Anjou, whose Life was then despaired of.

The Bishop of Salisbury who was so forward in swearing to Mauds Succession, that he read the Oath in the House to the rest of the Lords when they took it, pretended that he swore to the Succession conditionally, viz. that she should not be marryed out of the Kingdom without Consent of the Peers. Others said they were forced by King Henry to swear to her Succession, of which he repented & absolved them on his Death Bed. Some again said, it was unnatural & against the Laws, for a Woman to reign over Men. But the Argument which makes most to the Purpose of such loose Casuists as our Authors & their Directors is what they quote p. 44. viz.

" That Oaths were not to be Kept, to the Hazzard of  
 " Peoples Lives and Fortunes, for Man was not made for  
 " Oaths, but Oaths for the use of Men, and therefore  
 " no man ought to be a Slave to his Oath, but his Oath  
 " ought to be Subservient to his Interest and Safety.

For this notable Piece of Casuistical Divinity, our Authors have been at great Pains to search the Cotton Library, and tell us they found it there in the Division markt Galba A. 3. 2. from a M. SS. in titled *Causa Regis Stephani*. It contains a Discovery for which Breakers of Leagues and Oaths ow' them very great Thanks, especially, since the Translation is more favourable to the Practice than the original. Which is thus. *Et tamen quavis Furamentum summpere sit observandum, non usque quaque immobiliter est tenendum, ut nulla ex causa solvi debeat, cum & divina legis instituta quadam pro tempore, urgente Necessitate transgredi liceat. Non homo propter Furamentum, sed Furamentum propter hominem est institutum: & ideo non homo Furamento sed Furamentum homini, & ejus saluti subservire debeat.* They who understand the Latin, must needs own that



that our Protestant Translators, give a far greater Liberty for Breach of Leagues & Oaths, than the Popish Clergy who were Authors of the Original, for here there is not one Word of its being lawfull for People to break their Oaths rather than hazard their Lives & Fortunes, nor is there any Thing which imports, what the Translators make it say; That no Man ought to be a Slave to his Oath, but that his Oath ought to be Subservient to his Interest. Had they design'd honestly, they should have Kep'd exactly to the literal sense of the Words, as far as the English Tongue would allow of it, considering that it is a Case of Conscience, wherein the Safety of the swearers soul as well as that of the Government is so nearly concern'd. The plain meaning of the words, is Thus,  
 " Nevertheless thô an Oath is very strictly to be obser-  
 " ved, yet it is not in all Cases to be so inviolably kep'd,  
 " as that for no Cause what ever, one may be freed from  
 " it, since it may be lawfull for a Time upon urging Necessi-  
 " ty, to transgress some Precepts of the divine Law,  
 " Man is not made for an Oath, but an Oath for Man,  
 " therefore Man ought not to be so far subjected by an  
 " Oath, as to make it inconsistent with his safety. That  
 this was the true meaning of the Latin, is evident from the Passage of our Saviour referd to, wherein he Justifys Davids making Use of the shew-bread, & his Disciples plucking Ears of Corn on the Sabbath when pinchd with Hunger, and its' probable they had also an Eye to the rash Oath made by Saul, that who ever touched any Food, till the Pursuit of the Enemy was over, should be put to Death, which the people would not suffer him to execute on Gallant Jonathan. It is also plain from the History, that they thought it inconsistent with the Safety and Peace of the Kingdom, to keep the Oath they had taken to Maud, for all their Arguments Issue in this, that the Safety of the People was the surpream Law: So that thô their proposition about an Oath be loose enough, yet it is far from being so abominably gross, as our Authors have made it, on purpose to keep their perjured Faction  
 in

in Countenance who have sworn to the Hanover Succession, that they may be the more able to undermine it. The French King's Casuists never advanc'd any thing more villanous to Justifye his making of Oaths and Leagues, on purpose to break them for his own Advantage: For here they make an Oath subservient to every mans private Interest, contrary to the Character which we have of a Good Man in the 15. Psalm *that tho he swears to his own Hurt, he will not change or go back from it.*

Our Authors tell us p. 46. " That the submission to  
 " Stephen was like an Inundation or Torrent, that could  
 " not be resisted, so that by the Assistance of a potent  
 " Party in England, he seiz'd the Crown, during the ab-  
 " sence of the Heir in a distant Countrey; and while her  
 " Friends were unprovided to assert her Right in those  
 " Circumstances, they comply'd with the Usurper, and  
 " promised Fidelity, but did not believe it to be their  
 " Duty, for no sooner did the Empress arrive, but they  
 " repaire to her, for they thought their first Oath to her  
 " remaind in Force, & did not loose its Obligation, by  
 " the subsequent Oath to Stephen, yet say our Authors,  
 " they can't be charg'd with Perjury, or Rebellion; &  
 " p. 48. they add, That Robert Earl of Gloucester, the  
 " Empress's Natural Brother, swore to Stephen, on Pur-  
 " pose to serve her, and that he did this by the Advice  
 " of many of the Clergy, who told him, he did not de-  
 " serve Heaven, if he lookd upon the Oath enjoyn'd by  
 " his Father to be void. This happend in the 2<sup>d</sup>. and 3<sup>d</sup>.  
 " year of Stephens Reign. when the Empreſſe being assi-  
 " sted by many Prelates & Persons of great Quality in  
 " England, besides the Welch, she fought, and took  
 " Stephen, upon which the Bishops, and the whole Ec-  
 " clesiastical State forthwith made their Peace with the  
 " Empress, swore to her, and excommunicated all that  
 " adhered to Stephen. Nay, even his own Brother,  
 the Bishop of Winchester was among the first who thus  
 submitted to the Empreſſe and gave his old Reason for it,  
 viz. That the Kingdom would be in Danger if there were  
 no

no Governor; But it seems the Arch-Bpp of Canterbury with many of his Suffragans, and some of the Layety were a little more honest than the rest, for they first went to Stephen, and obtain'd his Leave, which he readily granted, and advis'd them to yield to the Necessity of the Times, upon which, Maud was unanimously recogniz'd in the synod of Winchester. Malsbury the Historian was present, and tells us, that all the Bishops, with many of the Abbots and Arch-Deacons were there, and after Prayers; said We elect Maud, as *sovereign Lady of England and Normandy*, and promise her Faith and Support. By this it appears that the Church of England in those dayes, thought their election Necessary to confirm even the Title of an Hereditary soveraign. Now, one would think, that the Empreffe was securely fix'd on the Throne, but, Alas! she was not so happy as be thorowly in the good Graces of the Pope and the Clergy, for in a very litle time after this, the honest Bishop of Winchester, who with the rest of his Brethren, could swear pro & Con in a breath; finding his Brother Stephens Party able to make head, he suddenly Assembles them, under his own consecrated Banner, surprises the Queens litle Army, that lay near his Episcopal See, took her General the Earl of Gloucester prisoner, and exchang'd him for his own brother Stephen; Then say our Authors p. 52. The whole body of the Clergy by the Advice of the Popes Legate revoke their Oaths to Maud, excommunicate all that adhere to her, and swear again to Stephen. They go on with this edifying part of History, and tell us p. 53. " That the Bishops and Clergy where the Pope did  
 " not interpose, pretended to the sole Authority of making, and unmaking Kings, and to dispose of the peoples Allegiance, when ever they Judg'd it necessary,  
 " or thought they might do it with Safety. And they  
 " debated privately among themselves sayes the Legate, whether this power did not Chiefly belong  
 " to them.

We have no reason to doubt, but they determin'd for them-



themselves, since there was no body there to contradict them, and that the Pope reprov'd his Legate the Bpp. of Winchester, because he had so long delayd to set his brother at Liberty, but promis'd him Pardon upon Amendment, & exhorted him to effect it by any Way that he could, Ecclesiastical or Civil. Upon this the Legate Commanded his Brethren the Clergy, in the Name of God, and the Apostolical See, that with all their strength they should strenuously assist the King anointed by the Vote of the People and the Consent of the Apostolical Chair, adding that they should excommunicate the Disturbers of the Peace, who favour'd the Countess of Anjou, so that here the good Lady is depriv'd, not only of her Title of Queen, but deny'd that of Empress Dowager.

Who can say, but our Authors have taught the Clergy, and People of England, by very good Precepts and Examples to play fast and loose with their Allegiance, and to mould it into what shape & for whom they please. One would think the Divines concern'd in this Noble Performance should not have expos'd their own Order so disgracefully, as to tell us, they were for every Card, that turn'd up Trump. But there may be a Providence in it, that such good Church-men as our Authors, have given the Nation a View, (tho not designedly) of the sincerity we are to expect from a Popish Pretender, and his Mother Church. The Jacobites who abjure their Rightfull Heir, and yet don't forget him, are very much obliged to these Gentlemen, for the Arguments and Precedents they have given them to Justify their practice. Here they are taught, how without the Guilt of Perjury, they may swear to her Majesty and the Hanover Succession, on Purpose to serve the Pretender, and they are likewise taught how they may Joyn him, without Rebellion as soon as he appears. Nor is it a small Obligation they are under to our Authors for putting them in a Way to get Places, Posts, and to be Members of Parliament without any Qualms of Conscience for swearing deceitfully.

The

The Whiggs too, ow' these writers some Thanks, for the Discoverys they have made of the Principles and Schemes, that are layd down to bring in the Pretender. There's no doubt, that he may come over assoon from Callis as Stephen did from Bullogne, for we know that either of them is much Nearer than Hanover; and that he and his Friends have form'd a strong Party both at Home and abroad to seize the Crown, and run down all the Friends of Hanover like a Torrent, is but to evident, from the Conduct of the Faction for some years pafsd, and from their amazeing Insolence at present. I wish they would tell us how many Legions of French, Irish, and British Papists are formed in and about London to be ready at a Call, and who it is, that pays the Scots Jacobite Clanns, that they may be prepared with Sword in Hand, to second their treasonable Addressses, that so the Torrents may begin at both Ends of the Island & overflow the whole.

We may plainly see by this History of Stephen, how the Plot is layd, and we are told by the Writers of those Times, that William the Norman, secur'd his Claim to the English Crown, by sending over privately great Numbers of his Subjects, before he came over himself. We may guess then, what friends they are to their Countrey, and the Protestant Interest, who are so fond of French Papists in England, while they would starve the poor French Protestants there, and we may see what Kindness those People have for the Protestant Succession, who are for keeping the House of Hanover at such a distance, in so ticklish a Juncture, and have taken so much pains, to make their Friends incapable to serve them, upon the breaking out of a Torrent like that of Stephen. The Designe of all this is evident enough, yet, tho' it threatens the utmost Danger, not only to the three Nations, but to the sacred Person of her Majesty who has nothing so much at Heart as the Succession of that Illustrious Family: It's scarce Safe for any man to speak of this Danger, without being exposed to the Mouths of Lyons.

Lyons. I hope no Body will think I mean those in the Tower, or take this digression in a wrong Sense. What our Authors say of the Clergy's pretending to the sole Power of makeing, and unmaking Kings in those dayes; and disposing of the Peoples Allegiance where they thought fit, when they might do it with Safety, is certainly true. There has alwayes been a sett of Clergy Politicians, who, provided they could advance the Power of the Church, would set a Nero or a Julian on the Throne, but were for Kicking them off again if they took the Tithe Pig by the Tail, for that sort of Church men love dearly to save their Bacon. I wish there were no Clergy men now in the World, who have a mighty Itch after such Power, but as the Parliament never did allow their Claim, I hope they never will.

Our Authors own p. 52. from the Saxon Chron: that the Earls and Great Men, thinking Stephen would never have been releas'd from Prison, they made a Covenant with the Empress, led her to Oxford, and put that Town into her Hands, so that here's another *Original Contract* with a Right Heiress, and a Parliamentary Recognition of her Title, tho' our honest Authors tell us frequently, that none but Kings de Jure, or Usurpers, needed any such thing.

In the same place they inform us, " That Stephen " would fain have had the Succession Establishd on his " Son Eustace, but the Bishops refus'd it, being forbid by the Pope, because his Father seem'd to have " Usurpd the Crown contrary to his Oath. This is all our Authors think fit to say in their Text. But Huntington, & Gervas of Dover whom they quote in the Margin (and keep under a Latin Vail, that every Body may not understand it) tell us the Refusal was made in Parliament, which was of ten Times more Weight, than if all the Bishops had said and Sworn the Contrary. This lets us see however, that our Authors would fain have the Power of making & unmaking Kings lodg'd



in the Clergy. Nor are we to wonder at it; for they who pretend to make a God of a Wafer, think they have a Right to make a King of whom they please, tho never so unfit for the Station.

Our Authors say p. 56. That the Empress being weary'd by the Fatigues of War, ( they should have said, worry'd by the Knavery of the Clergy ) and having lost her two chief Supporters, the Earls of Gloucester, & Hereford, by Death, she retired to live peaceably with her Husband. But Gervas of Dover, & Ordericus Vitalis, give us this further Account of the Matter, that the Nobility, would act no further against Stephen, till her Son Prince Henry came to head them, for they had never been used to fight but under a Crown'd King.

Upon this, says Hoveden, Prince Henry who had been bred in the Court of David King of Scots, that was Uncle to the Empress, made an Agreement with that King upon Oath, that if he recovered the Crown, he would resign all the Countrey betwixt the Tyne & the Tweed to King David & his Heirs for ever.

This leads us to enquire into the Behaviour of the Scots during these bloody Contentions in England about the Crown, of which Buchanan gives the following account, in the Life of David. And I choose to insert it, because it affords a Considerable Light to this Part of our History. Stephen, says that Author, was induced to aspire to the Crown of England, by the following Motives, There was no Heir to that Throne, but Maud, whose Husband, was then dangerously ill, and her Party but weak in England. He himself, was Grand Son to William the Norman by his Daughter who had been marry'd to the Earl of Blois, He was possess'd of the Earldom of Bullogne in Right of his Wife, who was Daughter to the last Earl, Cousin to the Empress Maud, & Neece to David King of Scots.

Relying therefore on his great Friends, the Absence of Maud from England, and the Illness of her Husband, he

he did by Large Promises corrupt the English Bishops, who together with himself had Sworn to Mauds Succession, which he was obliged to do, because of the Lands he held in Normandy in Fee of the English Crown. Thus he possess'd himself of the Throne, before his Uncie King Henry was buried. He reign'd peaceably for the first two years, upon which he became Insolent, and having assur'd himself of most of the English Nobility by Bribes, and over aw'd the rest by his Power, He sent to King David of Scotland, and demanded Homage of him, for Cumberland, Northumberland, and the Earldom of Huntington, which he held in Fee of the Crown of England, to which David Answerd, that he with Stephen himself and all the Nobility of England, had Sworn Fealty to Maud, as the Lawfull Successor, and that he would own no other to be Sovereign of England while she liv'd. Upon this Stephen made War on the Scots, and invaded their Borders with Fire and Sword. They did the like to his Countrey, and the Year following, enterd England as far as Northallerton, where they defeated Stephens Army, and took his General, the Earl of Gloucester. Upon this, Stephen came to a Peace, and was forced to quit the Superiority of Cumberland on Condition, that the English Nobility, of whom the Scots had taken a great Number, should be set at Liberty without Ransom, Stephen being fretted at this Ignominious peace, which he was obliged to conclude, for Fear of a Revolt, by the Friends of his Captivated Nobles, the Articles were Scarce sign'd, when he renew'd the Warr, and obtained a Victory over the Scots, at the River Tee's, King David to revenge this came himself at the Head of a great Army to the Borders, upon which Stephen sent the Arch-Bpp. of York to King David, who obtained a three Months Truce, and promised that Stephen should restore Northumberland which he had taken from the Scots, after his victory above mention'd, Stephen refusd to make good his Promise, upon which

David invaded him, and Stephen march'd to the Borders with a great Army. But the English Nobility being averſe to the War, and complaining that it was unjuſt, he was oblig'd to retire, and dreading a Revolt he ſent his Queen to obtain peace of her Uncle King David, which he agreed to, on the following Conditions ſays William of Newbriggs; That Cumberland ſhould be reſtored to David upon the old Tenure; That Stephen ſhould quit all the Countrey North of the River Tees, and reſtore the Earldom of Huntington to Davids ſon, Prince Henry, as the Inheritance of his Mother, who was Daughter to the Earl of Northumberland, and Grand Daughter to William the Norman. David the more readily conſented to Peace, becauſe his ſubjects were averſe to continue the Warr, ſince his Neece Maud, for whoſe ſake he engag'd in it, did nothing all this while to Aſſert her own Right. But ſoon after ſhe came into England, and ſent her ſon Prince Henry, to her Uncle King David, from whom he receiv'd the Order of Knight hood, that Prince having deſired it of him, as the greateſt Captain of his Age.

From this Hiſtory we may obſerve, that King David had no Notion of Divine Indefeasible Right to the Crown, otherwiſe he had a fair Opportunity to Claim it, ſince he was ſon of Margaret, eldeſt Siſter to Edgar Athling, & by Conſequence the only Lineal Heir to the English Throne, but he was too wiſe & Juſt to controvert Parliamentary Settlements. It were to be wiſh'd, that theſe of his Countrey men, who are for the St. Germans Pretender, would follow the Example of ſo great & ſo wiſe a King.

Prince Henry having aſſur'd himſelf of King Davids Aſſiſtance; He renew'd the War againſt Stephen, who at laſt was forced to Adopt Henry for his Son, and to ſettle the Succeſſion upon him by Parliament. From this our Authors weakly inſerr p. 55. That then, and not before, Stephen was reckon'd a King de Jure. Here they renew their old Argument, that the Ceſſion of the Right



Right Heirs is Sufficient to convey a Just Title. They puzzle themselves for evidence to prove the Cessions of King David & Queen Maud, first to Stephen, and then to Prince Henry, but all in vain, David never claim'd the Crown of England, and for the Aged Emperess no Body can wonder that she resign'd in Favour of her son, who regain'd the Crown of which she had lost Possession, and was not in a Condition to recover it. Here we have a New Parliamentary Settlement of the Crown, upon one of our Authors Lineal Heirs, with Conditions both upon him, and the Present possessor, who in his Charter, made pursuant to this Agreement, allow'd the people to withdraw their Obedience from him, if he broke it, untill he should correct his Error, and return to the Observance of it, says Brompton.

The Authority of Parliaments in settling the Crown shines here so bright, thro' all the Rubbish under which our Authors endeavour to bury it, that their Labour is perfectly lost. The Popes themselves, were more ingenuous in those dayes, than a Set of Protestants now, for they made no Scruple to call the Voice of the People in Parliament, for settling the Crown, the Voice of God.

This History, even as our Authors have layd it down, destroys their Pretensions for Indefeasible Right, otherwise we can draw such Consequences from it, as they and their Directors seem not to be aware of: for if they will still maintain, as they do frequently, in manifest Contradiction to themselves, that no Humane Law, Testamentary disposition, or Cession of the next in Blood, can set Hereditary Right aside, the Result will be, that from the Death of Edmund Ironside, till King James the sixth of Scotland came to the English Crown, all the Kings of England were Usurpers, nor can that King & his Posterity escape the Charge, for the Hereditary Right is in Baliols Offspring. And for them we must seek among the Family of Douglass for the Lineal Heir of Earl William, who Lodg'd his

Claim in Parliament, against the Family of Stuart Anno 1370. This likewise destroyes all the Dormant Titles which our Authors & their Directors have taken so much Pains to rouse up, for their Mortimers, and other Branches of the Plantagenet Family, so that whether Edward the 4<sup>th</sup>s. marriage be legitimate or not, or whether Henry the 8<sup>th</sup>s. Will, stand good, or otherwise: The Claim of the Descendants from Mortimer and the House of Suffolk, must be buried for Ever; or if our Authors will still insist upon it, that Mauds Title was good exclusive of all others, they unwarily fix the Claim of the Family of Hanover against their Mortimers, & Suffolks, for her Royall Highness Princess Sophia is lineally descended from the Empress Maud, by her Palatine Ancestors, So that since the Popish line is excluded by Law, both the old & new Titles of the Scots Royal Line, and that of the English Norman race, Center in this Illustrious Family.

To make this more plain it must be observ'd, that the Empresses Mother was a Daughter of Scotland, who for her excellent Qualities, was call'd Maud the Good. Henry the II. had also a Daughter nam'd Maud who was marry'd to Great Duke Otho of Saxony, and one of her Race being Match'd to the Palatine Family, her Royal Highness Princess Sophia is again descended both from the Scots & English Royall Familys, and has a Claim that Way according to Hereditary Right, before either the Mortimers or Suffolks, which I suppose our Authors were not aware of, or they would not have contended so much for the Empresses Title.

Besides what has been mentiond already, the System of our Authors, is attended with most dangerous Consequences to the Subject, as well as to the present Royal Family, as will be evident by what follows. These Gentlemen earnestly contend that all the Acts of Usurpers are void, and by Consequence all their Laws and Grants. This they asserted with a view only to what has been done since the Revolution. And they give as

a precedent for it, that Henry the II. degraded all the Lords that had been made by King Stephen, and resum'd the Lands he had given them because he was an Usurper. Our Authors had better have let this Precedent alone, for more than a dozen of Reasons I could whisper in their Ear. But had they not been very short sighted, they might easily have perceiv'd, that if their Principles be pursued, the Effects of them will reach as high as Edmond Ironside, and then I am Sure, the Upper house will be swept clean of Lords, & leave Room for the Right Heir, when our Authors can find him, to fill it again by Scores, instead of Dozens at a Time. If any Body say this Speculation is whimsical, they must blame our Authors, since the Conclusion flows Naturally from their Premises; besides I can tell them, theres abundance of such Precedents in a certain Monarch's Chambers of Reunion, where Resumptions have been carryed much higher. Viz. to the Reign of the Emperor Charles the Great, and no Body doubts but attested Copyes may easily be had by Way of Barle Duc: it lyes at no great distance from the Chamber of Reunion at Metz, and Couriers pass frequently that Way of late. This would be a much shorter Method, than any yet thought on, to revoke Magna Charta, which has created our Authors Hereditary Kings such a Deal of Trouble: For Henry the Ist. who granted it, was by their principles an Usurper, & St. Edward, from whose Laws that Charter deriv'd its Birth, was no better, Thus our Authors thô Clergymen themselves, would at once frustrate the High Church Priests of all their Hopes, that the Church shall be restored to the Lands and Priviledges she enjoyd by the great Charter, and what they condemn as Sacriledge in Henry 8th. they must allow to be Justice in their Heir by Divine Right when ever he appears, since he may lawfully resume what was granted by Usurpers.

It is in vain for our Authors to alledg Cessions, Testamentary dispositions, & Resignations in Parliament &c.



against these Consequences I charge upon their Principles, for they have told us p. 95. 98. &c. And quoted several Politicians to prove it, " That not only Princes, " but all men, have ever thought themselves free from " the Obligations of Promises and Oaths attended with " enormous Lefion, and extorted by Fear of loofeing " Estate Liberty and Life. They add p. 97. That according to the Canon Law, and the common Opinion " of Divines, the Duke of York, might have been releafd from his Oath to Henry the 6th. upon that account; They likewise tell us p. 101. That thô an " Hereditary King should make fuch a Ceffion, the " people of England have an Interest in the Right " Heir, as well as in the King, and have been sworn " to one as well as to the other, therefore it behoves " them to be well affur'd, that the Resignations made " by fuch Heirs, are intirely free and voluntary, which " cannot be done to general Satisfaction, but in open " Parliament. They tell us further p. 202. that Judgment was given in the house of Lords, against the " Family of Lancafter, in favour of the Rightfull Heir " out of Poffeffion, thô that Family had been in Poffeffion of the Throne near fixty years. And that by " the Constitution of England the Rightfull Heir, say " our Authors, in the fame page, cannot destroy his " Title by any Oaths of Homage or Allegiance but " is at liberty to revive his Claim, when ever he thinks " convenient, which can never be intirely extinguishd, " but by his free and exprefs Renunciation in open Parliament.

But as if all this were not enough, They tell us in their Appendix p. 15. " If there be a Right Heir of the " Crown, that claims, or elfe would claim, but that " he wants either Notice of his Right, and Title, or " Power to make it good, or forbears to claim, for " other Sufficient Reasons, here prefcription fignifies " nothing.

No doubt, but fome of their cunning Directors, laught

laught heartily in their Sleeve, and thought they had done the Descendants of Mortimer a wonderfull Deal of service by these mighty Arguments, thô perhaps our Authors were not a ware of it, but whoever imploy'd these Insignificant Tools of a Party to write thus, may be pleas'd to observe, that if William Earl of Douglass's Right Heir take up the Cudgels, he will be able to beat them at their own weapons.

Had it not been better then, for our Authors and their Directors, to have let the good old Parliamentary Way of determining the Succession of Crowns alone, than to runn themselves into so many absurdities, to libell the whole Island, as Rebels to God, and their lawfull Princes, for so many hundreds of Years; and to make the Hereditary Successor so uncertain, as no body knows where to find him: So that the Right must of Course devolve upon the Parliament again, whose Authority our Authors, have inadvertently establish'd, when they thought to destroy it: for all Politicians agree, that if the People be left like Sheep without a Shepherd, they have a Right to set one over themselves.

Upon the whole there's too good reason to say, that whoever imploy'd those men, had a Mind to involve the Nations in Confusion and Rebellion, for Never did there appear a Libel so disgracefull to the Kingdom, and so destructive of all the Titles that any family ever had, or can Pretend to the Crown.

We come now to the reign of Henry the 2d. of which our Authors have touch'd Nothing remarkable, but his Resumption of the Lands and Honours granted by Stephen, which had they been wise, they would have let alone. There are other Transactions in it how ever, which are as much for our Purpose to observe, as for theirs to pass by. He did not think fit to trust his Hereditary Right, for conveying, a Title to his Posterity, but prevail'd with the Parliament, say Gervas & Brompton, to make his son Henry Joynt King with himself: Accordingly they all swore to him, and the Arch-Bpp of York

Crown'd him, But this ungratefull Son out of a Pretended Zeal for the Church, pick'd a Quarrel with his Father, on the Account of some Invasions which he alledg'd he had made on the Prior & Convent of Canterbury, without his Assent, which sayes he, " he ought not to have done, " because by our Royal Unction, we have taken the " care of the whole Kingdom upon us. He appeal'd to the Pope, and His brethren Joyn'd him in Rebellion against their Father. This may let us see what would be the Effect of a certain Scheme of Associateing the Queen and the Pretender on the Throne which the turbulent faction, have been so treasonably Impudent as to talk of. King Henry had the good Fortune to subdue this Rebellion, yet he paid so much Respect to the Parliamentary Title of his eldest Son, that when his other sons submitted, and payd him Homage, he would not suffer him to do it thô he readily offerd it. He dy'd in his Fathers Life Time, and thô his Brother Richard was next Heir of Course, his Father got the Succession settled upon him by Act of Parliament, so much did this Hereditary King acknowledge their Authority, in settling the Crown.

King Henry dying, Richard was solemnly & duly elected by the Parliament, and after he had taken the usual Oaths, Crown'd by their Authority; say, Radulphus de Diceto, Hoveden &c. so that here'es another Hereditary King Elected by Parliament, & sworn to the Original Contract, before he took the Administration, thô his Title had formerly been secured by an Act. King Richard when he went to the Holy land, declared Arthur son to his Brother Geoffery Duke of Brittany next heir to the Crown, as we have it in Flores Historiarum. Yet Richard dying without Issue, the Parliament pass'd by Arthur, notwithstanding King Richards Declaration, and that he was next in Blood, they likewise pass'd by Ellinor his sister, and chose John Younger Brother to Richard, upon his Oath, that he would restore them their Rights and Priviledges according to Magna Charta, say Paris and Brompton, the former tells us. That Hubert  
" Arch-



Arch-Bpp of Canterbury sayd in his Coronation Sermon,  
 " that none could have any Title to the Crown, unless  
 " he was chosen by the Universal Consent of the King-  
 " dom, and that he who was most worthy ought to be  
 " preferd, therefore if any one of the Race of the de-  
 " ceased King was more deserving than others, as his  
 " Brother John certainly was, he ought to be elected.  
 It appears by a Charter in the Arch-Bpp of Canterbury's  
 Registers, granted by King John, the 1st. year of his  
 Reign, that he sayes he came to the Crown, by Here-  
 ditary Right, with the mediation of the Unanimous Con-  
 sent and Favour of the Clergy and People, but does not  
 say one Word of his Brother Richards Testament, or  
 his Nephew Arthurs Resignation, upon which our Au-  
 thors found his Title p. 60. but they say Nothing of  
 his Neece Ellinor, and yet without the Resignation of  
 her and her heirs, his Title could not be good, according  
 to their own Principles.

This Instance plainly proves, That the Divine Lineal  
 Right was neither the Doctrine of the Church, nor Par-  
 liament of England in those Dayes, and That Hereditary  
 Right, was not taken in such a restrain'd & limited Sense,  
 as our Authors put upon it. And that neither Church nor  
 Parliament did then look upon resisting and deposing  
 of Tyrants to be Damnable, but a Duty they ow'd  
 to their Country and Posterity, will appear by what  
 follows.

King John being one of the most barbarous Tyrants  
 that ever reign'd, the People declared he had forfeited  
 his Right, say Math. Paris, & Flo. Histor: and chose in  
 his Stead, Lewis son to Philip King of France, who was  
 next heir to the Crown in Right of his Wife, Daughter  
 to Ellinor above mention'd, and the only surviveing Heir  
 of Jeoffrey Duke of Brittany, or if Ellinor was still alive,  
 and continued so, till Henry the 3<sup>ds</sup>. Time, that she  
 dyed in Prison, as our Authors say p. 62. it is so much  
 the worse for their Hereditary Right, & Doctrine of Non-  
 Resistance to make Dice of the Right Heiresses Bones.

But

But however that is, Math. of Westmunster & Math. Paris, say that Philip of France, agree'd to their Choice of his Son, and the rather, because John, had been attainted of Treason in the Kings-Bench Court for a Plot to dethrone his Brother Richard, of which he was convicted, and Condemnad, in King Richards presence. He was therefore, said Philip, incapable of takeing the Crown by Descent, and unworthy to hold it any other Way. But our Authors thought fit to pass over this, because it confutes what they say, of his Brothers appointing him his Heir by Will, since he had more Reason to bequeath him an Ax than a Crown. It is likewise an Ominous Precedent for their Pretender, who Stands attainted by Parliament, for Usurping her Majestys Titles, and has since forfeited his Head by attempting to dethrone her.

King Lewis being thus elected, upon his swearing to preserve the English Laws, he was Crown'd, of which we have this Account from himself: by a Letter to the Abbot of St. Austins in Canterbury, as it is exhibited in Thorn's Chron. " Whereas (Says Lewis) John had  
 " sworn solemnly at his Coronation, as the Manner is,  
 " that he would preserve the Rights, & Usages of the  
 " Church and Realm of England, yet contrary to his  
 " Oath, he subjected as far as in him lay, the Kingdom  
 " of England, which has alwayes been free, and made  
 " it Tributary to the Pope, without the Advice & Con-  
 " sent of his Barons, and indeavourd, by many Oppres-  
 " sions to enslave both the Church and Realm, which  
 " you know beter than I, as having felt them by mani-  
 " fold Experience, for which, when after many Peti-  
 " tions for Redresse, his Barons took arms against him,  
 " at last he and they agreed, and among other Conditions  
 " he assented to, this was one. That if the said John re-  
 " turn'd to his former Wickedness, the Barons should be  
 " absolv'd from their Fealty, & never be subject to him  
 " any more. But he in a litle time growing worse than  
 " ever, and endeavouring utterly to extirpate his Barons,  
 " they did therefore by the Approbation of a General  
 " Coun-

" Council of the Kingdom declare him unworthy to reign,  
" & chose us for their King and Lord.

One would have thought, that Lewis should have profited by this Example, but he soon forgot his Oath to the Nation, attempted to bring in his French Method of Government & design'd the Destruction of the English Nobility, who had taken Part with him against King John, on the foolish and ungratefull Pretence, that they were Rebels to their Sovereign Lord. This was discovered by the Viscount of Melun from Remorse of Conscience on his Death Bed, to some of the English Barons, whom he sent for on Purpose, and told them that Lewis, with sixteen of his Nobles of which he was one, had bound themselves by Oath to extirpate all the English Nobility, as Knighton informs us.

I don't wonder, that our Authors pass' over this, for they knew it might Justly Alarm the Nation, and convince them of the Truth of what her Majesty said from the Throne, " That all that was dear to us as Men and  
" Christians would be inevitably lost, if ever a Popish  
" Pretender bred up in the Arbitrary Maxims of France,  
" got Possession of the Crown.

Upon this Discovery, and King John's opportune Death, the Earl Marshal, call'd together the Great Men of the Kingdom, took King John's son an Infant, & placing him in the middle, Advised them to elect him King, since he could be no way accessary to his Fathers Crimes. The Earl of Gloucester objected that this was contrary to their Oath to King Lewis, to which the Earl Marshall reply'd, that since Lewis had broke his Oath to them, & sworn their Destruction, to set up his French in their Place, they were no more bound by their Oaths to him. Upon this they agreed Unanimously to elect & Crown the young Prince, and soon after compelled Lewis to renounce the Kingdom, with all his Pretensions to it. Before I enter on the next Reign, I shall take Notice of some other Transactions in that of King John, which our Authors have omitted on Purpose, because they make



against, their Passive Obedience, and other Principles of Slavery.

When King John receiv'd the Crown, he was adjured not to presume to accept it, unless he meant to fulfill his Oath, upon which he promis'd that by the Help of God, he would Keep all that he had sworn, bona fide, which he did Just as well as a certain Prince in the world do's now. He refused to ratify the Charter, and made War on his Barons for demanding it, but they compell'd him at last, and it was solemnly ratified in a Parliament held at Running Mead, betwixt Stains and Windsor, sayes Math. Paris. But his foreign Minions, who by the Great Charter were to be Banish'd the Kingdom, reproach'd him, as having made himself a Slave to his subjects by such Concessions. This fill'd him with Madness and Rage, so that he sent to the Pope, surrenderd him the sovereignty of the Crown, to be held in Fee of the Roman Chair, & gave him other large Bribes to absolve him from his Oath, to Condemne Magna Charta, & excommunicate the Barons. At the same time he privately sent the Bishop of Worcester his Chancellor, and the Bishop of Norwich abroad, to raise what Foreigners they could, by Grants of Lands &c. under the Great Seal, & to bring them to Dover by Michaelmass: While this unreasonable Plot was a hatching, he retired about three Months to the Isle of Wight, from whence he some times put out to sea, and turn'd Pirate. After Michaelmass, He Joynd his outlandish Scum at Dover, and form'd a vast Army, thô forty Thousand of them, besides women & Children had Perish'd by Tempest betwixt Dover & Callice. These were coming over under the Conduct of Hugh Boves one of his Emisarys and design'd to inhabit the Counties of Suffolk & Norfolk, after the extirpation of the English. With the remainders of these life Guards of the Devil, sayes Math. Paris. He over ran England as far as Barwick in half a years Time, and by the Command of this bloody Tyrant, they cut off & put to exquisite Torture the poor People in cold Blood, without regard

gard to age or sex. This was the Miserable Condition of England when they Chose Lewis the Dauphin, to rescue them from their Bondage, for they were not able to do it themselves, upon such a Surprise; but how well he answerd their Expectations we have heard already.

We might be very well assured Our Authors would mention nothing of this, lest it should give us ground to Suspect that the Faction, have the like bloody Design on foot now, and for that end have listd Multitudes of Irish and British Papists to Joyn the French and other Foreigners they expect to Inthroned the Pretender This can't be Judg'd, improbable, when we consider the Plotts for Assassinations and Invasions in the Reign of King William and that at the Tryalls of Sr. William Perkins, Sr. John Friend; Charnock &c. it was plainly prov'd by Evidence, & likewise by Confession of the Criminals at the Place of Execution that there was a Plot to have murderd the King, very Artfully contriv'd & deeply layd, nor was there Want of Strong Presumptions, that the Courts of Versails & Sr. Germans, had a great Hand in Contriving the Assassination; since it was fully prov'd that an Army was ready to have landed from France, under the Command of the late King James, had the Design Succeeded. It is also very well known, there were some Discoveryes then made, of such a French Plott against the English Nation, as that carryed on by King Lewis and King John, particularly that London was to have been burnt, & the Tower and Exchequer seiz'd before hand. They that remember the burning of London in 1666. by the Papists, and how much the Duke of Yorks Concern in it, appear'd by the Evidence given in to a Committee of the Commons, and that the house was prorogu'd to prevent further Discoverys, can never think it improbable, that he might be a Tool of France to execute such a Barbarous Design upon his own Countrey. The Popish Plot, a branch of which was against the Life of his Brother Charles the second, meerly because he would not run his Pace, was so fully prov'd against him,

him, and so frequently charg'd upon him in Parliament, that no impartial Man can doubt of his being capable of such a Design, for Popish Bigotry cancels all the Obligations that Men can be under by Nature or otherwise.

It must not be forgot, that some Thousands of those who call themselves Protestants, were to have Joyn'd the French upon their Landing, and among other things it was prov'd at the above mention'd Tryals, that there was to have been a Troop of Nonjurant Parsons, that so the Rebellion might have been Hallow'd, by those who call'd themselves the High Church of England, as well as by the Church of Rome. We very well remember, that Cook, Collier, and Snat three Nonjurant Priests, absolv'd several of those Plotters at Tyburn, tho' with their very last Breath they Justify'd, their concern in the plott, from what those poor deluded Wretches had been taught to call the Principles of the Church of England. This did Justly give so much Offence to all honest sons of the Church, that severall of our worthy Bishops, did then publish a Censure upon the said traiterous Absolution, and made it evident to the world, that it neither agreed with the Doctrine nor Practice of the Church of England: But this was so far from having any good Effect upon the hardned Faction, that they have ever since reproacht those Reverend Fathers of the Church, as false Brethren and Betrayers of their Office.

We shall also put the Faction in Mind, of the Earlof Melfords Letter to his Brother the Earl of Perth, then Governor to the Pretender, it came very providentially from France into the Hands of Mr. Secretary Vernon who by Order of King William deliverd a Coppy of it to the speaker of the House of Commons the 17 Feb. 1701. In this Letter it appears, that a French Invasion upon England, was projected, in Concert with those, whom the Earl call'd the True Church of England Party, the Catholicks, and the Earl of Arran, by whom he meant the late Duke of Hamilton: The Earl sayes in his Letter, that



that the French Court, lay'd a very great weight, upon the True Church of England Partys Joyning the King in Case of a Landing, then why should we doubt, of the French Courts' having as great a Confidence in them now, since they whom they call by that Name are in a much better capacity, to serve them, than they were at that Time, when they did not appear any Thing so Considerable, as since we have found them to be, yet, the Earl sayes, they had then in Readyness seven Regiments of Horse and Dragoons, with Arms Trumpets Kettle Drums Standards &c. their Men all listed, and their Officers chosen. What should hinder them to have ten times that Number now, considering the open and free Intercourse betwixt England and France, and that there are so many disbanded Souldiers who want Bread.

We shall also put them in Mind of the Plot carry'd on in Scotland by Emissaries from France, with which her Majesty acquainted the Parliament the 14. of Decemb. 1703. The Examinations about that Matter, and those call'd the Gibberish Letters, were publish'd by Order of the House of Lords, wherein it appeared, that nine or ten Thousand Highlanders were ready to Joyn, a Body of Troops from France, but by some Means or other, that Plott was husht, as well as that which occasion'd the Pretenders Invasion in 1708. and no Body was brought to Justice either for the one or the other. The Rendezvous of the same Highland-Clans, with their Men in Arms, that we have heard so much of, of late, give too Just Cause of Suspicion, that there is such a Barbarous Design on Foot, to second the Treasonable Addresses of themselves, and others in Favour of the Pretender. The Scots Jacobites are too open, and the Emissaries of France have been too publick there last Summer, for any Body to call such a Design in Question. And if to all this we add the great Numbers of Forreigners observ'd about London, and the Resort of Popish and Jacobite Officers, and Known Plotters to that Great City, from France and other Parts, it looks so like the Assembling of the De-

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vills

vills Life Guards, which Math. Paris tells us of in the Reign of King John, and our Frensch King Lewis, that no Body can Justly look upon this as an impertinent Digression.

And if we consider, the Rebellion that was made against the Queen and Parliament, and the Fires rais'd in London by Sacheverels High Church Mobb, and the Outrages that have since been committed at Elections &c. there's too Just reason to fear, that the French have a greater Dependance now than ever, upon those my Lord Melford thought fit to call The True Church of England; thô they be the Just Abhorrence and scandal of all who deserve that Venerable Name.

I shall conclude this Execrable Reign of King John with the Security, which the Barons obtaind for the Observation of the Grand Charter from him that the World may see, how litle Confidence is to be put in the best Constitutions, and strongest securitys if the Administration be corrupt.

The King sayes. " We being willing that the Grand Charter be firmly Establisht for ever, do grant to our Barons, the Security under written viz. That they shall Choose 25 Barons of the Realm, whom they list, who shall to the utmost of their Power, keep and cause to be kept the Peace and Liberties which we have granted, and confirm'd by this our Charter, in somuch if that we, or any of our Ministers Act contrary to the same, in any Thing, & such our Miscarriage be shown, to four of the said 25 Barons, those 4 shall come to us, or to our Justice, if we be out of the Realm, shew us our Miscarriage, and require us to amend the same, without Delay, and if it be not done by us, or our Justice, within fourty Dayes after the same has been shown to us, or to him, then the said Barons shall report the same to the Rest, and those 25 with the Commonalty of England, may distress us, by all the Wayes they can, by Seizing on our Castles, Lands & Possessions, and by what other Means they can, till it be amended, as they shall adjudge, saving our own Person, the

" the Person of our Queen, and the Persons of our Chil-  
 " dren, and when it is amended, they shall be subject  
 " to us as before, and who ever will, may swear that  
 " for the Performance of these Things, they will obey  
 " the Commands of the said 25 Barons, and that together  
 " with them he will distress us to his Power, and we will  
 " Issue our Precepts, commanding such who please, to swear  
 " as afore said, and if any of the said 25 Barons, be out  
 " of the way, the Rest may choose another in his Room,  
 " and if all the twenty five be not present, whatever is  
 " determin'd by the Majority of those that come together  
 " shall be valid. The said 25 Barons shall swear, that  
 " they will to their Power, faithfully observe all these  
 " Matters, and cause them to be observ'd, and we will  
 " not obtain of any one, for our selves, or for any other  
 " the revoking or annihilating any of these Concessions,  
 " and if any such thing be obtaind it shall be Null &  
 " void.

One would think that Nothing could be more strong,  
 & firm, yet soon after this, the Faithless Tyrant obtaind  
 the Popes Absolution and destroyd the Countrey as above  
 mention'd. A sufficient Proof that the Oaths & greatest  
 Concessions of Princes, who think the Pope can absolve  
 them, are not to be trusted.

King Lewis being forced out of the Nation as above  
 mentiond, our Authors once more, loose the sight of  
 their Lineal Heirs, who are swallow'd up in the French  
 Line, for according to their Maxims, John and all the  
 Kings that follow'd him, must be Usurpers.

We come now to the Reign of Henry the III. son to  
 King John; He with the Legate and Earl Marshal, who  
 was Protector of the Kingdom during his Minority, so-  
 lemnly swore upon His Accession to the Throne, that  
 they would restore to the Barons, and the other subjects,  
 their Rights and Inheritances, with all the Liberties they  
 had before demanded, for which the war had begun be-  
 twixt King John and them. Henry was Crown'd again  
 at Westminster in the 15<sup>th</sup>. year of his age, and 3 years  
 after,



after, he confirm'd by Oath in Parliament what he had sworn at his Coronation, about preserving Magna Charta and the Peoples Liberties, but he was such a perjur'd & wavering Tyrant, that he broke Magna Charta again & again, after several more Ratifications. This occasion'd desperate Wars betwixt him, and the Barons. They pursued him close, upon which he shut himself up in the Tower, rob'd the Treasury, of the Jewels of the Crown, and what had been deposited thereby Authority of Parliament as a sacred Treasure for the Relief of the Nation in any pressing Necessity. In the mean Time the Barons held a Parliament at the Guild hall in London, where the Citizens swore to stand by them, and the Prince afterwards King Edward the I. Joyn'd in a League with the Barons, to remove the wicked Councillors from about his Father. This brought on an Accomodation betwixt them and the King, Guardians were appointed, with the same Power as in the Reign of King John, to see the Great Charter observ'd. There was a Clause inserted, that if the King broke it, the People should be absolv'd from their Allegiance, and at Liberty to take Arms against him. The King renew'd his Oath for observing the Grand Charter with the following Solemnity. His Majesty with the Lords, Prelates &c. in their Robes, and burning Tapers in their Hands, heard the terrible Sentence of Excommunication pronounc'd upon all that should break the Charter. The King gave his Taper to a Prelate, saying, it becomes not me who am no Priest, to hold a Candle, my Heart shall be a greater Testimony: Then he spread his Hands upon his Breast, while the Sentence was pronounc'd, *In the Name of the Omnipotent God &c.* And when the Charter was read, ever one threw down his Taper, and cry'd out Let them who incurr the Sentence, be extinguish'd and stink in Hell, and the King with a loud voice said, as God help me, I will as a Man, a Christian, a King Crown'd and Anointed observe all these Things. Bacon and Daniel, the Historians, Lik'd this Solemnity so well that they fancy it had some Resemblance to the Publication of the Law at Mount Sinai.

It was then also agreed, that the great Officers of the Crown, should be chosen in Parliament, according to the Ancient Constitution : And a Council of 24 great men was appointed, 12 to be nam'd by the King, and 12 by the Parliament, and without the Advice of this Council nothing of Importance was to be done. But the King was so faithless, that he broke this solemn Agreement, obtain'd absolution by the Pope from his tremendous Oath, assured himself of the Assistance of France, and Having drawn the Prince over from the Barons, he renew'd the war against them. Roger Mortimer was the first who attack'd the Barons at this Time, in prejudice of the Liberties of his Countrey, But The brave Simon De Montfort Earl of Leicester, defended them gallantly, and was encourag'd in it, by that excellent Person, Robert Grosthead Bishop of Lincoln, who as well as the Earl was an Enemy to Tyranny in the State, and Idolatry in the Church. They forced the King to Terms, one of which was, that he should deliver up all his Castles into the Hands of his Barons, and Govern by the Advice of Englishmen, and not of Forreigners &c. But he soon broke this Agreement, after his wonted Manner, and began a new Warr, wherein Prince Edward prevail'd against the Noble Earl of Leicester, who fell in Battle, but the remaining Patriots, would never part with their Claim to Magna Charta, tho' brought to the utmost Distress, & excommunicated by the Pope, with four Bishops, and all the Clergy that adhered to them. The Parliament was corrupted by the Court, and made severe Laws, against the small Remainder of the Barons, & those who adher'd to them, but the Senate recover'd their Senses in Time, contended for their Priviledges with the King, & obtain'd a new Confirmation of the Grand Charter in his last Parliament. This is one of our Authors Right Hereditary Kings, form'd in the Mould of old Nimrod, yet he was so far from thinking an Act of Parliament needless for settling the Succession, that he procur'd one for securing the Crown to his eldest Son Edward, who was then in the Holy Land.

On the Death of Henry the 3d. the Parliament met, & according to the Act above mention'd, and their Oaths for maintaining the Succession, they declared Prince Edward King during his Absence.

Here it is fit to observe, that some of our Historians doubt, whether Edward was eldest son to Henry the 3d. because others say, he had an elder Brother call'd Edmond, who was set aside because of his Deformity. It was from him that the House of Lancaster deriv'd their Claim, as we shall hear afterwards.

Edward the 1. upon his return swore to Magna Charta in Parliament, as Knighton tells us, yet, after he had confirm'd it three Times, & order'd it to be read twice a Year in all Churches, He bribed the Pope with a great Present of Gold Plate, & obtain'd an Absolution from his Oath. This might have prov'd fatal to Magna Charta, had it not been prevented by a Revolution in Scotland, when Robert Bruce was Crown'd there, and Baliol and all his Posterity excluded, for betraying the Sovereignty of the Nation to Edward. This oblig'd him, to be more favourable to his own subjects, at such a Juncture, so that in his last Parliament at Carlisle, when he was on his March against the Scots, the Barons obtain'd several good Acts, for reforming the Abuses of his Ministers, and Preventing his own Exactions or levying of Money without consent of Parliament.

Tho he was a very Warlike and successfull Prince, yet he was so far from being possess'd of an Absolute Power, that, his Parliament wrote to Pope Boniface the 3d. signifying, that they would stand by their Liberties and Customs, & not permit the King, tho he were willing, to attempt any thing prejudicial to the Laws or Royal Dignity.

After his Death, his Son Edward the 2d. succeeded by Virtue of the Act for settling the Succession; He confirm'd Magna Charta in his 3d. Year, sayes Daniel: but afterwards broke it; by the ill advice of his Favourites, among whom, the first Lord Mortimer was one, yet



yet this Lord having a particular Quarrel with the Spencers, who were more in the Kings Favour than himself, he Joynd with the other Barons, who oblig'd the King to banish them, however upon their Return to Court, this tricking Lord fell in with them. But the Spencers unwilling to trust him, and resenting the former injury he had done them, they got him sent to the Tower. He made his Escape from thence, as some say by Intreagues with the Queen, to whom he was Gallant. But however that was, he went to France, where the Queen was before him, to accommodate some Differences, betwixt her Husband and her Brother the French King, this she effected, & carry'd over the Prince her Son, to do homage, to her Brother for the Dutchy of Aquitain. Being thus possess'd of her Son & her Favourite, which was all she car'd for, her Amours with Mortimer became so scandalous, that the King sent to his Brother of France, and demanded, that she and her Gallant, with other Lords that had fled from Court, because of the Spencers, should be deliverd up to him. This obliged her and them to retire to the Netherlands, where contracting an Alliance betwixt her Son, & the Count of Hainault's Daughter and a Friendship with the Count of Holland, she procured Men and Mony in the Netherlands; Then she, her son and Mortimer with the Rest of the Banisht Lords, landed their Army at Harwich.

The Countrey who hated the King and the Spencers for their Tyranny, Joyn'd her where ever she march'd, and the Bishop of Hereford preachd to the Queen & her Army, against the King, from these Words, *my Head Aketh, my Head Aketh*. His Majesty and the Spencers fled before them, but in a Little Time, they & other Favourites were taken, and hang'd by the Queen and Mortimers Order. This Lewd & Ambitious Lord, being now in Possession of the Kings Bed, had the Vanity to exceed him in Pomp, and entertaind the Nobles & others at round Tables in his Castle of Wigmore &c. after the Manner of the old British Kings, & the Queen was so fond of him, that

she hated the King, and would never see him. The weak & cruel Tyrant being thus abandon'd by every Body, the Parliament met, and Dethron'd him, sayes Adam, of Orleton, who gives us their Reasons as follows.

That Edward the II. was insufficient to Govern  
 That during his whole Reign, he had been led &  
 Govern'd by others, who had given him evil Councils,  
 to his own Dishonor, and the Destruction of the  
 Church and People. That he was unwilling to consider or know, what was Good or Evil, or to provide  
 Remedy when it was required of him, by the Great  
 & Wise Men of the Realm. That he would neither  
 hearken to good Councils, nor apply himself to the  
 Government, but gave himself up to Things inconvenient, and Neglected the Necessary Affairs of the  
 Kingdom. That for want of good Government,  
 he had lost the Kingdom of Scotland, and other Territories in Gascoign & Ireland. That he had put to Death  
 Imprison'd and disinherited many great Men without  
 Law. That contrary to his Oath, he refus'd to administer Justice, being thereunto mov'd by his own Covetousness, and that of his evil Councillors, nor had  
 he Kept the Other Parts of his Coronation Oath.  
 That he had wasted his Kingdom, was guilty of  
 Cruelty, and other personal Failings, which were so  
 notorious that they could not be deny'd. And being  
 likewise incorrigible, and past all Hopes of Amendment, say our Authors; He was therefore by the  
 Advice and Assent of all the Prelates, Earls and Barons  
 and of the whole Commonalty of the Kingdom, depos'd  
 from the Government.

Polidore Virgil, Walsingham, Froisart, & Knighton do all agree in this, and tell us that when the Articles were sent to the King, he confess'd the Charge with Tears in his Eyes, and complain'd of the evil Counsellors who had seduc'd him. Knighton adds, That when the Commissioners sent from the Parliament read the Sentence of Deposition to him, he heard it with extraordinary

nary Grief; but said it was a Comfort to him in the midst of his sorrows, that they had chosen his son to Reign after him. A fair Confession from the Mouth of an Hereditary King, that the Parliament had a Power to dethrone a Tyrant, & choose another Prince to fill his throne, as they thought fitt. Our Authors are desired to observe, that all the Prelates concur'd in this, so that hitherto Passive obedience, & Non resistance, was none of the Doctrine of the English Church.

His son Edward the III. Sayes Knighton, was chosen by the universal Consent of the People, and the Archbishop of Canterbury preachd his Coronation Sermon, from the Latin Sentence. *Vox Populi, vox Dei*, i. e. the Voice of the People, is the Voice of God. A plain Evidence, that Indefeasible Hereditary Right, was not then the Doctrine of the Church or State.

K. Edward being thus dethron'd, the Queen & Mortimer assum'd the exercise of all Power, (the Young King being a Minor) and she allow'd her Husband but 100 Marks a Year, tho she had had procur'd a third Part of the Revenue to be settled on her self, & Mortimer the Worst of Men by her guilty passion seemd to reign, as Sr. Robert Howard informs us in his Life of Edward II.

Thus the Queen and her Favorite grew more impudent than ever, in their unlawfull Amours. But the poor Dethron'd Prince being still some Curb to their unbridled Lust, they got him privately murderd in Berkley Castle, and then Mortimer procur'd to himself the Title of Earl of March because his Estate Lay in the Marches of Wales; This gave Rite to the Earldom of March, which was call'd a Royal Earldom, after it came to the Crown by Edward the 4th., who had that Title & Estate as a Descendant from the said Mortimer. The Reader is desir'd to take particular Notice of this, because it will help us to understand the Design of our Authors, when they insist so much, on the Title of the Earls of Mortimer and March, as we shall find they do afterwards.

The Lord Mortimer, now Earl of March, having  
 I 5 made



made such a great, but Knavish Figure, in this Part of our History, it is proper to take Notice of his Fate. The Nation being incens'd, at his Scandalous Conduct, with the Queen, and themselves, they could bear it no longer. He had corrupted two Parliaments, and grew so intolerably Proud, by Reason of the Queen's favour, that the Ancient Nobility was very much disgusted at him, and ev'n his own Family was so sensible of his Pride, that his son Jeoffrey, as Sr. Robert Howard tell us, gave him the Title of King of Folly: Having all the Treasure of England at his Command, he brib'd the Parliaments, got them to condemn who ever he pleas'd, and among others, the Earl of Kent, Brother to the Dethron'd King. He also pursued his other Brother, the Earl of Lancaster, for his Life, which lets us into the Cause, why our Authors, & their Directors, are such professed Enemys to that ancient Branch of the Royal Family, & throw so much Dirt upon their Title. The Young King, being under the Influence of his Mother, who was at the Head of the Administration dureing his Minority, concurr'd with him in all those Things, *she had such a Passion for Mortimer* (sayes Sr. Robert) *that all her Duty & Virtue were long before sacrificed to that Idol.* He was made Justice of Wales, resolving that his own Countrey should be one of Principal Scenes of his Pride, and obtaind Grants, to make his Estate Answerable to his Title, for it was but small before, his Alliance inconsiderable, and his Family not much talkd of. The Grants he procur'd amounted to no fewer than 34 Mannors Castles Chaces &c. in England and Ireland, being all Crown Lands, or the Estates of such as he had got unjustly condemn'd. He treated the King and the Court at his Castles of Ludlow and Wigmore with sumptuous Feasts and in his Parks with Tilts &c. Honours & Places were heap'd upon him, the best Families in England Courted his Alliance, and his Sons and Daughters were matchd with the Chief of the Nobility. His Avarice was mixd with Profusion so that he not only wasted much of his own Estate, but the treasure of the Na-

Nation, on himself and his Creatures, to gratify his pride and Vamity. The Beginning of his fall was from his Endeavouring to cutt off Henry E. of Lancaster the Kings Uncle, who had been appointed by the Parliament, which elected his Majesty, to be the Chief of the Ministers under the Queen, which not being complyd with, the People Grew Uneasie that this Overgrown Favourite should Govern all, & that the first Prince of the Blood, was totally excluded from the Administration.

He became at last so Intollerable, that some of the faithfull Nobility, acquainted the King, with the great Dishonour which Mortimer had brought upon his Majesty, and the Kingdom. This had so good an Effect, that the King orderd him to be apprehended in the Castle of Nottingham, when the Parliament was held in that Town, but his Power was so great, that those intrusted with the Execution of the Warrant, were oblig'd to do it by Night, & got into the Castle by a way underground thro' the Rock, (which has ever since been call'd Mortimers Hole,) and took him, as going to Bed with the Queen. Knighton tells us that had it not been done by Surprise it would have been difficult to have Seiz'd him, for he had allwayes two hundred Knights and Gentlemen, besides inferior Servants attending him. The Bishop of Lincoln, & some others were with him at the Time, and made some Resistance, in which the Steward of the Kings House, and another of Mortimers Dependants were Killd. Sr. William de Monntacute and the Rest of the Gentlemen who had the Warrant, carry'd Mortimer off, the Queen followed after, & supposing the King had been among them, cry'd out with Tears, *Good Son! spare Gentle Mortimer.* His Majesty who was in a contiguous Room, orderd Mortimers Sons with all his Adherents & followers, of which the Town was full, to be Seiz'd in like Manner, and sent under a Guard to London.

When the Parliament met there, they took from the

the Queen all but a Thousand pounds per annum and Articles were exhibited against Mortimer, the Chief of which were. " That he procur'd the late King Death, " was corrupted with Mony to let the Scots escape " at Stanhop Park, that he he had procur'd a Peace " with that Nation Dishonourable to the King & " Kingdom, that he he had wasted the Kings Treas- " ure, besides all that was taken by the Spencers, " that he had been too Familiar with the Queen, " had got the richest Wardships in England, and been " an evil Councillor to the King. Mortimer was condemn'd to dy as a Traytor upon these Articles, and hang'd drawn and quarter'd at the Common Gallows, then call'd the Elms in West Smithfield, where his Body remaind two Dayes, as an Opprobrious Spectacle for all Beholders. It was afterwards bury'd at the Grey-fryers in London, & from thence translated to Wigmore, his Estate was confiscated, with all his Treasure & Goods, except what was left in his Laddes Wardrobe, for the use of her self and her Children.

This was the Fate of that Great & Wicked Favourite, the first Lord Mortimer. But so much of the Estate, was either left to his Lady or restor'd to his Son, that Edmund his Grandson marry'd Philippa Daughter to Lyonel Duke of Clarence, by whom he had Roger Lord Mortimer, & Earl of March. who was declar'd Heir to the Crown by Richard the II. This Roger had a Daughter nam'd Ann, who was marry'd to Richard Earl of Cambridge, Son to Edmund of Langley Duke of Yorke who was Grandfather to King Edward the 4th. & thus the Posterity of that vile Traytor came to the Crown.

We return now to Edward the III. He was very great & Successfull in Warr, and being an Hereditary King, was as like to insist upon his Prerogative, as any of his Predecessors, yet knowing which Way he came to the Crown himself, he tooke Care to settle it  
on



on his Successors, by Act of Parliament, as follows: He knew there were great Disputes in the Nation, whether John of Gant the eldest of his surviving Sons, or Richard, Son to Edward the black Prince, who was eldest Son to Edward the III. should Succeed. Upon this he call'd a Parliament, who settled the Succession on Richard, by Hereditary Right, and the common Consent of them all, as they express it, so that these two were not thought inconsistent in those Dayes. I shall say no more of this Reign, but that Magna Charta receiv'd many noble Confirmations from Edward the third and Particularly in his 42. Year, when it was enacted, that all Statutes made against it should be void.

His Grandson Richard the II. succeeded, according to the Act above mention'd. Yet upon Edwards Death, sayes Polidore Virgil, the Parliament met, & by their Joynt Suffrage declar'd Richard to be King. In the 4th. Year of his Reign, he confirm'd Magna Charta, and the Arch Bishop and the Lord Chancellour appointed it to be read at the opening of the Parliament, as the Foundation and standard of our Laws. But Richard Soon broke thro' it, by the Advice of his Wicked Councillors, the chief of whom, was Robert Earl of Oxford. He Suddenly advanc'd this Man, to great Honours Dignities, & Riches. He first made him Marquess of Dublin, & then Duke of Ireland; this Earl sayes Sr. Robert Howard in Richards Life, had so great an Influence over the King, that he could do what he pleas'd with him. Robert and his Faction, fear'd & hated, such Men of Honour & Quality as they thought had Interest to Crosse their Designs. They first attack'd, and turn'd out the Lord Chancellor Scroop, whose Uprightness was a great Bar in their Way. Then they procur'd the Disgrace of the Earls of Arundel & Notingham, who had done so many great Things against the French, that all Mens Mouths were fill'd with their Praise. At their Return from the Campaign, they

they were as coldly receiv'd by the King, as if they had needed Pardon for Misdemeanors, rather than deserv'd thanks for their Victorys. This base Treatment, of those Gallant Lords who had perform'd such Wonders against the Common Enemy, rais'd great Disgusts in the Hearts of the best of the Nobility and People, against Robert Earl of Oxford, and the rest of the Ministry. But Robert, who govern'd the King as he would, seem'd to despise their Resentments, & to bid them Defiance, by all his Actions. This rais'd the Discontents of the Nobility & People so high, that the King, out of a feign'd Compliance with their Desires, advis'd Robert to prepare for a Journey to Ireland. The Earl put it off from Time to Time, under various Pretences, but finding he could do it no longer, without involving the King, himself, and the Rest of the Ministers in a Quarrell with the Parliament, which the Court was not then provided for; He made a shew of proceeding on his Journey. The King and the Court, to carry on their Designs, went with him as far as Wales, from whence they made a Sudden Turn back to Nottingham, where Robert and his Faction contriv'd a Plot to destroy the Lords of the Ruind Party, and utterly to Subvert the Constitution. They summon'd the Sheriffs of every County, to know what Assistance they could give them, the Sheriffs reply'd, that they could promise them None, because the People were generally of Opinion, that the outed Lords were Lovers of their Prince & Countrey, and had done both of them Eminent Service. Robert and his Faction being thus disappointed, they perceiv'd that the outed Lords were not to be destroy'd, without the Concurrence of a Parliament, or a superior Force. Then they endeavour'd to pack a Parliament, and to get such men chosen, as the King should name, but finding, that they could not be sure of a Majority, that project was dropt. Their next Recourse was to the Judges, whom they had before hand corrupted, & from them they obtain'd the following Opinion.

"That

" That the King being above the Law; could dis-  
 " anull what the former Parliament had done against  
 " his Ministers. That those who had accus'd them in  
 " Parliament deserv'd to be punish'd as Traytors. That  
 " Parliaments could proceed upon no business, but such  
 " as the King propos'd and limited by Articles. Nor  
 " could they accuse any of the Kings Ministers, without  
 " being Guilty of High-Treason.

Thus did the Earl of Oxford overturn the Constitution  
 to secure himself, and his Associates, from the Punis-  
 ments they had deserv'd.

Pursuant to this villanous Opinion of the Judges.  
 The King orderd the Estates of the Outed Lords to be  
 seiz'd, resolv'd to punish them us Traytors, and for  
 that End raisd an Army. The Lords prevaild with the  
 Bishop of London, to represent their Case to the King,  
 which brought him to something of a better Temper.  
 But the New Lord Chancellor, had enter'd so far into  
 the Earl of Oxfords Measures, that he knew his own  
 Life to be in Danger; if the Outed Lords were restored  
 to Favour therfor he perswaded the King to proceed  
 against them. This oblig'd the Lords to take Arms for  
 their own Safety. They advanc'd with such a Power  
 to High-Gate, as frighten'd the King and his Minions,  
 Upon this the Court sent the Arch-Bishop of Canter-  
 bury, & Bishop of Ely to treat with the Lords, they  
 readily agreed to lay their Complaints before the King  
 in a peaceable Manner, on a day appointed: The Court  
 did feignedly accept the Proposal, that the Earl of Ox-  
 ford might have an opportunity to destroy the Lords.  
 For this end he engag'd some treacherous Aldermen of  
 London with a Villanus Mob from the City, to Lie in  
 Ambush about the Mews, and Seize the Lords, as they  
 came with their Complaints to the King. But the plot  
 being discoverd, the Lords complain'd of it, and refus-  
 ed to come. The King pretended he knew Nothing  
 of it, & gave the Lords New Promises for their Se-  
 curity, upon this they came with a Strong Guard, pre-  
 sen-



sent their Grievances to his Majesty, & demanded Justice against Robert Earl of Oxford Duke of Ireland, the Lord Ch. Justice Tresilian &c. as Traytors. The King promised to refer Matters, to a free Parliament, conniv'd at the escape of Robert & the rest of the Favourites, after which they went to Wales, & other places where they had most Interest, rais'd an Army, and declar'd for the King and the Prerogative. But Robert, who understood better how to trick at Court, than to fight in the Field, was defeated by the Lords, fled with the first swam the *Isis*, & left his Horse behind him in the middle of the stream. Thus says Sr. Robert Howard, He that was so bold in Councill, had no Courage for Action, and fled before the Battle was begun. Among his Papers, there were Letters found from the King, pressing him to make halt to London with what Force he could, & he would be ready to share Fortunes with him.

The Lords march'd with their victorious Army to London, and the King thinking fit to comply with them, call'd a Parliament, where Robert Earl of Oxford was summon'd to answer a Charge of High Treason, exhibited against him by the Duke of Gloucester & other Peers, but he having escaped into France, (the old Asylum for Tyrants & wicked Councillors) his Estate was confiscated, & his Attainder confirm'd by Parliament. He was as much despis'd by his old Friends abroad as he was hated by all true Patriots at Home, so that he was forced to wander from Place to Place, & liv'd in the utmost Poverty, till at last, He that like a Beast of Prey, had destroy'd so many of his Countrey Men, was Kill'd himself by a Wild-Boar Near Lovain in the Netherlands. The Lord Chancellor also dy'd in Contempt & Misery abroad, the Lord Ch. Justice Tresilian, with the Rest of the Corrupt Judges, who advanc'd the Prerogative above the Law, were hang'd, & the Rest of the ill Councillors, with the wicked Ladys that supported them, were drove from Court. Sr. Robert Howard sayes, there was Nothing more remarkable, in all the bad Conduct of this Hateful Ministry,

nistry, than their favouring the French Interest, and setting the King against the War with France which had been carry'd on with such Wonderfull Success. Nor is it unworthy Observation sayes he, how often French Councils have prevaild in England, during the Reigns of such Princes, as gave so much Power to Ministers & Favourites, as made them considerable enough to be brib'd.

The King, adds Sr. Robert; Soon return'd to his wonted Courses, and when the Duke of Gloucester advis'd him to renew the War with France, "He swore that he would more willingly rely on the Protection of that Crown, than be subject to those whom he ought to Command. Being thus incorrigible, the Parliament assembled in the 21<sup>st</sup> of his Reign, and drew up 33 Articles against him, The chief of which were, as follow.

" That he had bestow'd the Lands of the Crown upon unworthy Persons, and over charg'd the Commons with Exactions. That whereas certain Lords were appointed in Parliament to superintend the Government of the Kingdom, he by a Conventicle of his own Accomplices, attempted to impeach them of High Treason. That by undue Methods, he had procur'd several Judges, to give their Opinion against Law, to the Destruction of the Duke of Gloucester & Other Lords. That contrary to his Promise and Pardon, he apprehended the said Duke thô his own Uncle, & sent him to be murderd at Callis. That he had beheaded the Earl of Arundel, who had been so Successfull in his War against France, & banish'd Other Lords. That his Retinue & Rout gatherd out of Cheshire &c. Had committed Murders, Rapes, with other felony's, and refus'd to pay for their Provisions. That thô the Crown of England, was free'd from the Pope, and all other Forreign Power, he had procur'd the Popes Excommunication on such as should break the Ordinances of the last Parliament, (which he had pack'd)

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" in

" in Derogation of the Crown, Statutes & Laws of the  
 " Realm. That he did not repay his Subjects the Mony  
 " he had borrow'd of them. That he refus'd to execute  
 " the Laws, & said that he alone could make & alter  
 " them. That he had procur'd Knights of the shire to  
 " be return'd to serve his own Will. That when he went  
 " into Ireland, he did without Consent of the Estates,  
 " carry with him the Treasure, Relicks, and other Jewells  
 " of the Realm. That he had cancell'd, and rac'd se-  
 " veral Records. That by his Letters to the Pope, to  
 " foreign Princes, & to his own Subjects, he appear'd  
 " so variable, so dissembling, so unfaithfull & unconstant, that  
 " no Man could trust him, in so much that he was a Scandal  
 " both to himself and the Kingdom. That he did commonly  
 " say to the Nobles, that all the Subjects Lives & Esta-  
 " tes were in his Power, without any Forfeiture, which  
 " is contrary to Law, and That tho the Subjects are suf-  
 " ficiently bound to him by Allegiance, yet he compeld  
 " them to take new Oaths &c. as may be seen at large  
 " in Knighton.

The Parliament sent these Articles to him, by the  
 Bishop of St. Asaph & other Commissioners. He confess'd  
 the Charge, and sign'd an Instrument which they had  
 prepar'd for him to *resign the Crown, and the Name and*  
*Power of a King [the Very Words of St. Edwards Law]*  
 he discharg'd all his Subjects from their Allegiance, con-  
 fess'd himself insufficient for Government & swore never  
 to pretend to it for the future. After he had read & sub-  
 scribed it, he wish'd if it were in his power he could make  
 Henry Duke of Lanaster his Successor, but since it was  
 not, he prayd the Commissioners to signifie his Desire to  
 the Estates. The Commissioners reported all this, next  
 Day, upon which the Parliament accepted his Resignation,  
 read his Coronation Oath, with the breaches of it, and  
 appointed Commissioners to dethrone him, as had been  
 usual by the ancient Custom of the Kingdom in such  
 Cases.



I would advise our Authors to compare these Articles; which give a brief Account of Richards Conduct, with the 13th Chapter to the Romans, & speak their Conscience if they have any, whether he was such a Governor, or Higher Power, as St. Paul there describes, and then they may be able to Judge, whether the Resisting of such a Tyrant, was *Resisting the Ordinance of God*. If they affirm it, they must by unavoidable Consequence make God the Author of all the Wickedness which is here charg'd upon Richard as well as of that Charg'd upon King John, & Edward the 1<sup>st</sup>. above mention'd; than which, nothing can be more blasphemous.

The Wiser Heathens would have been asham'd to pervert the Law of Nature, in such a Manner, as those Wretched Divines pervert the Word of God. Honest Seneca could distinguish better, when he tells us, Lib. 11. Controv. 9. That, tho' we ought to obey our Parents in all things, yet we are not to obey them in such Acts as make them no Parents, which is much stronger against Kings when they turn Tyrants, since their Right to our Obedience is only Political, but not Parental.

I return to King Richard, He might have avoided this Fate, had he listend to the Remonstrance of Parliament; when he absented himself from them, and went to Eltham; viz. "That they had an ancient Statute, empowering them in that Case, to return Home without his Leave, to which he answerd; That he perceiv'd the People and Commons design'd to take Arms against him, therefore he thought it better to send to his Cousin the French King, for Help, & submit to him, rather than yield to his own Subjects. They reply'd: That Council was not good, but tended to his unavoidable Ruin, for the French King was the greatest, and most Capital Enemy to Him, and his Kingdom; and if once he set foot in England would rather destroy his Country and dethrone him than give him any Assistance.

" stance. They put him in Mind, what his Father and  
 " Grandfather had done to Conquer France, which by  
 " Hereditary Right belong'd to them, and now to him  
 " by Succession. They desir'd him to remember, what  
 " blood and Treasure, England had expended in carrying  
 " on that War, and that the People were so much im-  
 " poverish'd by hevy Taxes to carry on his own War,  
 " that they could not pay their Rents, nor afford them-  
 " selves Necessaries, and that all this had happend, by  
 " his evil Ministers, who misgovern'd both him and the  
 " Kingdom.

They told him the last Part of their Message was  
 That they had an Ancient Statute which was put in  
 Execution not long ago; That if the King thro' evil  
 Council, foolish Contumacy, Contempt, Willfullness  
 or Obstinacy, or any Other Irregular Method, should  
 alienate himself from his People, & refuse to be Go-  
 vern'd by the Laudable Statutes & Customs of the  
 Realm, with the wholsom Advice of the Lords and  
 Great Men of the Kingdom, but persist after a Head-  
 Strong Manner in his Mad Councils & perversly fol-  
 low his own single Advice, then it is Lawfull for  
 them with the Common Assent & Consent of the People  
 of the Kingdom, to pull down the King from his Throne,  
 & to Advance any Other of the Royal Blood in his  
 Stead.

Our Authors may see by this, & Other Instances  
 already mention'd, how fatal French Alliances, Affi-  
 stance and Councils, have been to such of our Princes  
 & Ministers as rely'd upon them. But they who  
 won't regard our Historys & Laws; will be mov'd  
 as little, could old Mortimer & Oxford send them  
 a Messenger from the Dead, to bid them beware  
 of betraying their Country & Subverting the Con-  
 stitution as they did, lest they come under the Same  
 Condemnation.

*An Account of the Constitution, during the Reign  
of the House of Lancaster.*

**R**ichard the II. being thus dethron'd, the Parliament chose Henry Duke of Lancaster: but we are not to suppose, they did it out of Regard to the Desire of Richard; For tho' he was one of our Authors Hereditary Kings, he claim'd no Power to convey the Crown, either by Cession, Resignation or Will. But the true Reason of their choosing Henry was, that he assisted them to quell the Tyrant: and that they had a Power to set him up in his Place, appears by the Statute quoted above. It was upon this Title only, that Henry the IV. did rely, tho' he mention'd some others, viz. That the Crown descended to him from Henry the III. But this could mean no more, than that he was a Prince of the Blood, since his Father was only descended from John of Ghant, the IV. son of Henry the III. whereas the posterity of Lyonel Duke of Clarence, Henry's third son, was then in being. But that which might give some Foundation to his Claim, was the Dispute mention'd, in the Reign of Edward the III. about settling the Crown on John of Ghant, exclusive of Richard the II. who was next in Blood: and it had been well for the Nation, if John of Ghant had succeeded.

Here our Authors, who took Little or no Notice of the Reigns from King John, till now, because they were wholly against their Scheme, exert their full strength, to prove Henry the IV. and the succeeding Kings of the House of Lancaster for three score years, to be Usurpers; but how unjustly, we have in part seen already; since the Parliament was Justify'd by the old Constitution to set up Henry IV.

Our Authors tell us, page 75. that many of the chief Nobility and great Numbers of the Gentry, took

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arms against Henry the IV. because he was not their Lawfull King ; therefore they thought themselves absolv'd from the Oath they had sworn to him. This is another Lesson of Rebellion , and Perjury , for those who have sworn to the Queen , and the Hanover Succession. These Gentlemen add , that Richard II. 's Resignation in Parliament was an infamous Act of violence and Injustice , and that those who took Arms for him , had a good and a righteous Cause, notwithstanding his pretended Resignation. But here our Authors are as guilty of contradicting themselves in their casuistical Divinity , as they are in their History ; for we find them afterwards reflecting upon Francis the first of France , & Henry the VIII. of England , for not standing to the Bargains they were forced to : besides they have forgot what they so frequently insist upon , that the Cession of the Right Heir in Parliament , in favour of Another, gives a good Title to those who had none before. This was exactly the Case here ; for tho' Richard was forc'd to resign , yet his naming Henry IV. to be his Successor , was Voluntary , and all the other Pretenders , among whom was their beloved Mortimer Earl of March , next Heir of Blood to Richard , did swear to Henry , as our Authors are pleas'd to own : for which none of his Successors have Reason to thank them , except they intend to follow his Example , of takeing back their oaths to the Queen , and the Hanover Succession , a Crime which every true son of the Church must certainly abhor. However this lets us see , what sort of men these Authors are , and whose Cause it is they espouse , when they so avowedly set up for Patrons of Perjury , Rebellion , and Tyranny , and call the forcing a Resignation from Richard the II. (one of the most infamous Tyrants that ever breath'd) an infamous Act of violence & injustice.

Our Authors p. 76. quote a Record of Parliament of the I. of Edward the IV. which commends those who after King Richards. Death , continu'd their Faith and

allegiance, according to their Duty to God, and the Laws & Customs of the Realm, to Edmund Mortimer Earl of March: & p. 79. they pay as great a Compliment to the Welch Nation, as they do to Mortimers Welch Title: for they tell us, that they were a formidable Body of Nonjurors entirely united, not only in Wales but in every Part of England where they resided, against the House of Lancaster; so that the Welch scholars left their Colledges in both Univerfitys, and the Welch Apprentices in London and else where, left their Masters, to engage against the Usurper Henry IV. We may easily guesse what our Authors and their Directors mean by this Passage, since they tack to it Part of a speech, against the late King Williams Grants, of some of that principality. In this speech, the Welch are call'd a great People, and it is said that Henry the IV. and V. were never happy, till they reconcil'd themselves to the Welch. But our Authors may know to their Mortification, that the Happiness of any of our Kings, was alwayes more owing to a good Harmony betwixt them, and their subjects of England, than to the Affection of the conquer'd Province of Wales, even when they express'd themselves as much for an unlimited Prerogative, as the Authors of the late Radnor Adresse. And if their Favour to any new Pretender, be no more propitious than it was to Mortimer, they will have but very Little Cause to value themselves upon it.

Our Authors think to do mighty Feats, p. 81. &c. by quoting the MS. copy of Hardings Chronicle, from *Biblioth. Harlei*, for the sake of an Extract, omitted in the printed Edition of that Author, in Defence of those, who took Arms for Mortimer, against Hen. IV. It is suppos'd the most Honorable the Lord Treasurer will scarce thank those, who have the Charge of his Library for suffering such Persons to have Accels to his Manuscripts, as make use of them

to Excite a Rebellion, against the Parliamentary Title of her Majesty, which was settled during the life of her Father; and likewise against the Hanover Succession, which excludes the Popish Branches of the Royal Family, tho' nearer in Blood.

But how little service these Gentlemen have done to their own Cause, by this MS. will quickly appear, by what follows.

They own that Hen. IV. with Piercy Earl of Northumberland and others, agreed to Richard's possessing the Crown, on Condition, that he should Reign, by the good Advice of the Lords Spiritual and Temporal: so that by their own Confession, here was an original Contract, betwixt the Parliament, and an Hereditary King, which was the Foundation of his Title to the Crown. In the same place, they own one of the Articles of this Contract to have been, that Richard should raise no Taxes without Consent of Parliament. They likewise set Piercys Quarrel with Hen. the IV. upon quite another Foot, than his being an Usurper; for here they make him charge King Henry, with the Breach of that Contract himself, not only by forcing Richard to resign the Crown for fear of Death, but that after his own Accession to the Throne, he had levy'd Taxes without Consent of Parliament, as well as Richard, and did traiterously cause, that deposed Prince to be murder'd in the Castle of Pomfret, by Hunger and cold, *without the Consent, and Judgment, of the Lords of the Kingdom.*

Don't our Authors, by producing this Instance, out of the Lord Treasurers MS. act like Blind Men dealing Blows? And don't Earl Piercy's Words condemn the Royal Martyr King Charles the I. for levying Taxes without Consent of Parliament? and which is a great Deal worse, don't they, from his Lordships MS. put into Earl Piercy's mouth, a Proposition, which the Church of England, according to  
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our Authors, has alwayes reckon'd damnable? viz. That Parliaments have a coercive Power over the Persons of Tyrants. What else can Earl Piercy mean? When he talks of the Consent, and Judgment of the Lords? Could that make the Imprisonment and Murder of King Richard Lawfull? The arrantest Regicide in Europe, can say Nothing more dangerous to Crown'd Heads. Is this then, a Quotation fit to be made use of from my Ld. Treasurer Harleys MS. who is so bright an Ornament of the Church, and the invincible Champion of Prerogative.

But perhaps. Our Authors think to Attone for this scurvy Quotation, by maintaining so strenuously the Hereditary Right of Edward Mortimer Earl of March, as the next direct, and Immediate Heir, of England and France. Or if this be not enough, they'l throw into the Bargain, a String of handsome Epithets, upon Henry the IV. and his Revolution, viz. That he was a false perjur'd Traytor, and a Forger of Chronicles, to prove that he was lineally descended from Edmund, the Eldest son of Henry the III. who was set aside for his Deformity. No doubt our Authors had a very good Reason for condemning Deformity as a cause of Exclusion, which some of their Directors may perhaps be privy to. But however since Hen. IV. made that plea, Harding's Testimony is neither enough to defeat it, nor to defend Earl Piercy's Rebellion; for our Authors are pleas'd to tell us, p. 82. that Harding was a meniall Servant to Piercy, and brought up in his Family from 12 years of Age, as he owns himself. I am of Opinion, that such a Testimony would bear no great Weight in Westminster Hall, for deciding a Title to a private Estate, much less to the Inheritance of a Crown.

Our Authors, p. 84. bring a further Charge, from Earl Piercy, against K. Hen: Thus, *That thò he had sworn by his Coronation Ooth, inviolably to maintain, & keep the Laws and good Customs, of the*

*Kingdom of England; yet contrary to that Oath, he had treacherously, and against Law, writ to his Favourers in every County, to choose such Knights for each Parliament, as should be agreeable to his Pleasure; so that in those Parliaments, no Justice could be obtain'd against his will, upon any Complaint, tho, says Piercy, we have petition'd him according to the Consciences God had given us, for the Truth of which we appeal to God, & the two Archbishops, wherefore it behoves us to look for Remedy before our Lord Jesus Christ, by a strong hand.*

Had our Authors been as wise as they are old, they should have kept this Article in petto, for Reasons that might easily be given them. It is a fair Confession however, from a Champion of Hereditary Right, and Prerogative, that the Invading of our Freedom in Electing Members of Parliament, is one very good Reason for dethroning a Tyrant. This Justifys our Convention's making that one of their Articles for deposing King James.

What has been said already of Earl Piercy's Declaration, is enough if the Charge was true, to Justify his taking Arms against Hen. IV. to that the Conclusion of it, wherein he charges the King as an Urrper of the Rights of the true & direct Heir, was thrown into the Bargain, meerly as an Incentive, to make the Friends of Lord Mortimer & March Joyn with him. But if our Authors and their Directors intend this Declaration as a Model for that of the St. Germans Pretender, or any Lurking Claimant, they should beware of the Omen, for Piercy lost both his Life and the Battle, without Inthroning his King the Ld. Mortimer, notwithstanding the Assistance, our Authors say he had, from that great People the Welch.

The Whiggs are very much oblig'd to my Lord Treasurer Harley, for preserving so valuable a

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MS. but owe no thanks to our Authors for publishing it with so bad an Intention.

I am sorry we have no more of this extraordinary Piece, and therefore can't take leave of it, without glancing on the Preamble of this Declaration, against Hen. IV. wherein, say our Authors p. 82. Piercy Earl of Northumberland, His son Henry Hotspur, and his Brother Thomas Earl of Worcester, call themselves, *the Procurators, & Protectors of the Common wealth, before our Lord Jesus Christ, our suprem Judge.* One would be tempted to think, however this MS. came into the Library of so good a Churchman, as my Lord Treasurer Harley, that it must have formerly belong'd, to some Whimsical Republican; for the Preamble of Earl Piercy's Declaration, is so much the Dialect of a Fifth Monarchy Man, that one would take it to have been writ by Oliver's Porter, in one of his Raverys at Bedlam, when his Noddle was fill'd with Ideas of Protectors, or Welch Kings, that had a Mind to set up for Themselves under a Disguise, & exclude all the Royal Line, whether Papists or Protestants.

Our Authors p. 87. &c: take a great deal of Pains to absolve Earl Piercy, and his Adherents, from Perjury; and the Charge of acting dishonourably against Henry IV. notwithstanding this Rebellion, and that when they took the Oaths to him, they believ'd they were not oblig'd to keep them. In Excuse of this, these Gentlemen tell us, it was a Principle generally receiv'd in those Times, that whenever People found themselves in Danger, all Actions done thro' Fear of Death, were pardonable at least, if not lawfull.

This no Doubt is design'd as an Apology for those who were guilty of the like Practices at the Revolution, and continue still to act that traiterous Part against her Majesty, and the Family of Hanover. The Lord Bishop of Sarum, in his Speech against  
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Sacheverel, gives us this short Account, of that sort of People, viz. That an Earl then in the House, shew'd him a Letter, which went about to perswade People to take the Oath of Abjuration, which he believ'd had it's Effect, and he found this Distinction in it, That the abjuring any Right whatsoever, that the Pretender might claim, was onely meant of a legall Right or Divine Right. This agree'd, said the Bishop, with a Report that went currant, that a Person in a Great Post, sent a Message to an honourable Gentleman, who would not take the Abjuration, that if he had an half hour's Discourse with him, he doubted not to be able to convince him, that he might take the Abjuration, without departing from any of his Principles.

But tho' such loose Casuists as our Authors & their Directors, allow so knavish a Salvo, yet they themselves own, that our popish House of Commons, were Men of more Conscience and Honour, in Henry the IV. Time. For being sensible, that such a Plea as this, would dissolve all Faith & Trust among them, they petition'd that King, in the Beginning of his Reign, That neither the Lords spiritual, nor Temporal, nor the Judges, may be allow'd for the future, to excuse themselves by saying, they did not dare to act or speak according to Law, and as their true Meaning was, for fear of Death, or because they were not free of themselves; for they are oblig'd to keep their Oaths, notwithstanding any Danger of Death, or Forfeiture. Rot. Parl. 1. H. 4.

Our Authors say p. 88. That the King agree'd to this Petition; and certainly he had very good Reason, for this was the Plea made by the villainous Judges, who had given their opinions to King Richard. That he had an Absolute Power over Parliaments, & the whole Nation, & might dispose of their

their Lives & Fortunes at Pleasure, and that it was Treason, to question his Ministers in Parliament; for which they were hang'd as already mention'd. There is as much need of such a Resolve and Act of Parliament now, when so many who call themselves Protestants, but are a scandal to the Name, take Oaths with such Reserves, on Purpose to undermine the Government, and the Protestant Succession, as the Bishop of Salisbury hints in his speech: and indeed it is evident, that one of the main Designs of this Book, is to teach People how to trick with God, as well as with Man; so that we may easily know from what quarter it comes.

Our Authors say, p. 90. That the Assistance given by the Piercys to Hen. 4. by which he was enabled to seize the Crown, was on the Confidence they repos'd in his Oath, that he would neither dethrone, nor put Richard to Death; and that his Breach of this Part of his Oath, authoris'd those Gentlemen to seek Justice against him by Arms and Violence. We may easily see, that the Design of this is to Justify the Plots for Rebelling against, & Murdering King William. But the Case is no Way Parrallel; for tho' that Prince in his Declaration, aim'd only at removing the Evil Ministers, and obtaining a Free Parliament, to redress Grievances, and secure our Religion and Libertys; He never swore that he would not accept the Crown, nor was there any Occasion for it. No Body could foresee, that King James would rather abandon the Throne, than suffer his Wicked Ministers to be brought to Justice: and no Man could blame King William, for accepting the Crown, rather than suffer the Nations to be overrun with Popery and Slavery, from which he came to deliver them.

Our Authors may remember, what Apology they

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put in the Mouths of the Great Men, for swearing *Pro & Con* to Stephen & Maud, as the one or the other prevail'd, viz. That they did it lest the Countrey should be ruind for Want of Government. They know also what they said for Hen. 2. taking the Crown upon him during the life of his Mother, viz. That he deserv'd to wear it, since he had recover'd it from an Usurper. Then certainly it is no less meritorious to rescue the Crown from a Tyrant, who breaks his Trust, which makes him as much worse than an Usurper, as a Judge who robs Men of their Estates, by Wrestring Law contrary to his Oath, is worse than a Highway-Man, who takes our Purse by Violence.

Our Authors say p. 91. &c. that Arch-Bishop Scroop, and another Earl of Northumberland &c. rais'd a New Warr, against Hen. 4. And that the Arch-Bishop and the Piercys were true Penitents for having contributed to set him on the Throne. Thus they would perswade the Nation to Rebel against her Majesty and the Hanover Succession, as a Proof of their true Penitence for having concurr'd to the settlement of both. But it's best for English Men to beware of the Example, since these Incendiarys own, that the Rebels were again defeated, that the Arch-Bishop lost his Head, and all the Reward he had, was to be reputed a Worker of Miracles after his Death; which were Just as true as those now said to be perform'd by the Bones of the late King James, at the Abby of La Trapp. Since we are upon this subject, it may not be improper to put our Authors in a Way how to get mony, by the Bones of some of their Directors, after Justice has done with them, and that is to make a Juglers Box of one Part, & False Dice of another, which will certainly make them too hard for all the Tricksters & sharpers about Town, & miraculously transferr their Coin into their own Pockets.

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We thank our Authors for telling us p. 91. That it was Arch-Bishop Scroop who drew up Earl Piercys Declaration against Hen. 4. A plain Confession, that the Great Director of the Divine Hereditary Right Men in those dayes, was not such an Enemy to the Libertys of the Nation, as those of the same Denomination in ours. For he own'd an Original Contract, even with an Hereditary King, that the Prince had no Power to levy Mony without Consent of Parliament, and that Tyrants might be degraded, and otherwise punish'd by their Authority. It had been well if none of his Successors, had carry'd the Prerogative higher; but if any of them should ever be found to Advance the Title of a Pretender, against Parliamentary Settlements, let them take care of his Fate.

Before I go further, I must take Notice, of what our Authors reply to Doctor Higden, who said, there were no Nonjurant Clergymen, in the Lancastrian Reigns. They give this as the Reason p. 70. *That the Clergy were not then oblig'd to swear Fealty, but excus'd from all manner of services, because they held their Possessions in Franc Almoigne which oblig'd them only to pray for their Patrons. This Priviledge say those Gentlemen, was secur'd to them, by the IV. Lateran Council under Innocent III. Approv'd by the Council of Oxford, & ratify'd by King Henry I. They add that the Clergy were never disturb'd in the Enjoyment of those Rights, till the Reformation, and, that, had the Clergy of England enjoy'd this Priviledge at the late Revolution, near four hundred of them, had not been depriv'd for being nonjurors.*

We are oblig'd to our Authors for this Discovery, but, why do they contradict themselves? How often do they tell us, the Clergy swore *Pro & Con* to Stephen & Maud? & even in this Reign of Hen. IV. It is scarce to be suppos'd, the Clergy would have done so, had their Tenure been only by *Franc Almoigne*, for an Act

of the Lateran Council would in those Dayes have weigh'd more with them, than an Act of Parliament By this 'however we may see, what our Authors, and their Faction would be at; they grasp at a Power to make, & unmake Kings at Pleasure, as the Clergy pretended to in the Reign of Maud, without being subject to Kings, themselves. This no Doubt is one of the Reasons why so many of our Giddy-headed Clergy are angry with the Reformation, and so zealous for making them a Captain, to return to Egypt. But why should they expect this privilege now, when, not only our Bishops, have a share in the Legislature, as well as then, but the inferior Clergy vote for Parliament men, by Virtue of their Benefices which they call Free holds. There's a great Difference sure betwixt that Tenure and *Franc Almoigne*; or if there be not, our Clergy Usurp a Privilege that does not belong to them: and if this should ever be inquir'd into they know whom to thank for it. But however that be, it is highly reasonable, that Princes should be secur'd of the Allegiance of those Men, who take upon them so Magisterially to determin the Titles of Sovereigns, and to turn the Gospel against the statute Book, when ever they Judge it necessary, or think they may do it with Safety, as they said of the Clergy in the Reign of King Stephen. Let the World Judge then, of our Authors & their Directors, who would have Clergy Men to be Law Makers & make laws for others, that they are not willing to submit to themselves; the exact Paralel of the Practice which our Saviour Condemns in the Pharisees; that they bound heavy Burdens upon other Men's Shoulders, but would not touch them with a Finger of their own.

Had the Clergy been exempted at the Revolution, instead of four hundred Nonjuring Clergy Men, we might have had more Thoulands, for any Thing I know; Especially if what Lestly sayes in his Pontifi-

cate & Regale be true, that a great Number of the Clergy took the Oaths at the Revolution, with much Reluctancy. Nor are we to wonder at it, when we consider that instead of Faith, Repentance, and good Works, the Pulpits sounded almost with Nothing but Hereditary Right, Passive Obedience, Non-resistance, and the Danger of the Church and State, from Dissenters and Common Wealths Men, during the Reigns of Charles & James the 2. till the latter began to attack the Clergy, and the Univer-  
sitys.

Our Authors p. 94. quote a passage from Sr. Walter Rawleigh's preface to his History of the World, in substance thus, *That Henry the IV. Title was weak, his obtaining the Crown traitorous, that he broke his Faith with the Lords at his Landing, and with the King himself, and all the Kingdom in Parliament, to whom he swore that the deposed King should live; that after Hen. the IV. had enjoy'd this Realm some Years, & never free from Conspiracy's and Rebellions, he saw, (if souls of Mortals see Things after the Body's Death) his Grand-Child Henry the VI. & his son the Prince suddenly murder'd without Mercy: The Crown for which he had shed so much Blood, transfer'd from his Race, & worn by his Enemys, whom he had left, no less powerless, than the Succession questionless, by Parliamentary Intails on his own Issue; and out of Doubt, humane reason could have Judg'd no other wise, but that these Cautious Provisions of the Father seconded by the Valour, & signal Victories of his son Henry V. had bury'd the Hopes of every Competitor, were not this Passage of Casaubon, also true, a Day an Hour, a Moment is enough to overturn the Things, that seem to have been founded & rooted in Adamant.*

Every one may see, what our Authors mean by this Passage; they flatter themselves, that the Revolution Settlements, will have the same Fate with *Henry the IV.* Intail, notwithstanding the Success of



King *William* and her Majesty's Arms. But here the old Maxim holds true, that every simile halts; for tho' we should allow, that *Hen. IV.* Title was weak, the contrary of which we have already prov'd, Malice it self can't say, that the Prince of Orange broke any Oath to the Lords at his Landing, or to the Prince & Parliament, with Relation to King *James*. We see however by this bloody Application, of S. Walter's Paragraph, what Treatment her Majesty is to expect, were she once in their Power; for tho' they have traiterously talk'd, of Resignations, Affociations, &c. the Issue to her Majesty, would in that Case, be sudden Murder without Mercy, & Our Protestant Heirs of the Hanover Line, must see the Crown worn by their Enemys, who we had once good Reason to suppose, were left no less powerless, than the Succession questionless: but if it be otherwise now, we know upon whom to charge it.

It is time to conclude the Reign of H. 4. As he came to the Crown by a Parliamentary Title, he convey'd it to his Posterity in the same Manner. By the Statute of the 7. of his Reign ch. 2. He intail'd the succession on his four sons, and the Heirs of their Bodys lawfully Issueing, and next Year, he settled it by Charter accordingly. The Original is in the Cotton Library, tho' it was not for the Purpose of our Authors to take Notice of it: but had he pretended to Settle the Succession by Will, without Authority of Parliament, they would have forgiven him his pretended Usurpation, for the sake of his Testamentary settlement, of which they have not yet been so happy as to meet with one good Precedent.

When *Hen. IV.* dyed, his son *Hen. V.* tho' Heir by Parliamentary Intail, had so much Regard to the Constitution, that assoon as his Father was bury'd, he call'd a Parliament, in order to have a Recognition.

tion. And there according to the old English way; they enter'd upon the Debate, about creating a King; when immediatly some of the Lords begun of their own Accord to swear Fealty to him, a thing which had never been done before says Polydore Virgil, untill the Person had been declar'd King: but the Nation had conceiv'd so great an Opinion of this Prince, from his very Youth, that this Formality was dispenc'd with, and so he was readily declar'd & Crown'd. Had not a parliamentary Recognition, been Necessary, according to the Constitution, every one knows Henry the V. had Courage enough to have insisted on his Prerogative. Our Authors own p. 94. That the Earl of Mortimer & March resign'd to King Henry, but as if Tricking had been intaild upon the Family, they immediatly tell us, that this Earl was enjoin'd pennance by his Confessors, till he put in his Claim. We have Reason to believe, it was a penance of his own seeking, and that he endur'd it without much Reluctancy. However, as Hen. V. was too wise a Prince to submit the determination of his Title to a parcel of Priests, he was too Generous to take the Advantage of this foolish Pretender, and not only pardon'd his Conspiracy, say our Authors, but upon his Submission, employ'd him, in the highest Offices of Trust. I hope these Gentlemen are not making Terms before hand, for some of their Directors; but if they be, they ought to provide good security, that they will discharge those trusts faithfully, till the Time of their Death, as they tell us this Lord did.

Hen. V. dy'd after a glorious Reign, which France still remembers, and has ever since, had a terrible Aversion to our Parliamentary Kings. His son was then but an Infant of 8 Months old, as we have it in Cottons Records; & as soon as his Father was bury'd the Parliament met, and after some Debate, whether he should be accepted as King, they agreed to de.

declare him their Sovereign, by the name of Henry the VI. This is another Proof of the Parliaments Power of Recognition, for he was undoubted Heir, by his Grandfathers Act of Entail: but our Ancestors it seems were so wise, as still to keep a Power in their own Hands, that they might do as they found most convenient for the Good of the Nation. Our Authors own, that he had no disturbance from the House of York, the Descendants of Mortimer, till the latter End of his Reign. Habbington tells us it was in his XXXV. year; then say our Authors, the Duke of York, notwithstanding his repeated Oaths, and Obligations to obey him, as his lawfull Sovereign, took Arms, and forc'd him to an Agreement, that the Duke and his Heirs should succeed after Henry the VI. who had then a son of his own. They likewise tell us, that the Duke of Yorks son, afterwards Edwd. the IV. was under the same Oaths and obligations to Hen. IV. And they would fain have us to believe, that this Cession of the Rightfull Heirs, made Hen. V. & VI. Kings de Jure. But we have seen already that the Parliament did not value those Cessions one Farthing, They knew their own Authority to be of sufficient Force without them. Our Authors have still the misfortune to make all their Hereditary Kings of the House of Mortimer and York Tricksters, or to use Earl Piercys Words to Henry the IV. false & perjur'd Traytors; nor have they respect enough for their own order, to conceal, that it was by the Instigation of the Clergy, they did thus perjure themselves; so gratefull are they to the Earl of Mortimer & Oxford, for the use of his MS. But to do them Justice, they are not alone in this charge upon those Princes; for their Perjury is related, with very aggravateing Circumstances, in the Lord Chancellor Fortescues Defence of the house of Lancaster, which our Authors set down in their Appendix, from a MS. in the Cotton Library, to  
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this Effect. That Edmund Earl of Mortimer & March did willingly, and with all Humility swear Homage and Fealty to Henry the VI. then an Infant on the Breast, as to his King & sovereign Lord, and Lawfull Successor to the Crown of England, in the Right of his Parents: that the said Edmund Dying without Heirs, Richard late Duke of York, Nephew of the Said Edmund and Father of Edward, requested & obtain'd from the said Henry the VI. as his sovereign, the Possession of the said County of March, as Next Heir to the said Edmund, and did him Homage for the same, and afterwards by Indentures sign'd & seal'd with his own hand & Coat of Arms, he oblig'd himself faithfully to serve the said Henry as his Lieutenant in France; which he did a long Time; & in this Indenture, he own'd the said Henry to be his sovereign Lord & King, and he did the like when he was made Lord Lieutenant of Ireland; and when the said King Henry was so ill, that he could not administer the Government, the said Duke of York, did in like Manner own him as his sovereign Lord and King in Parliament, when by their Authority, he took upon him the Office of Protector of England, during the Kings Illness, at which Time, his Majesty could not possibly oblige him to it, out of Fear. The said Richard did likewise swear, upon the Holy Sacrament, that he would alwayes be a faithfull Subject & Liegeman to the said King Henry the VI. and to his power defend, assist, and act for the Advancement of his Royal State, and in Confirmation of it, receiv'd Christ's Body, by which he oblig'd not only his own Body, but his Soul, & Honour, more strictly & firmly, than could be done by any temporal Obligation.

Likewise his son Edward, now the Usurper of the Kingdom, did solemnly swear upon the Cross of Canterbury in Presence of the whole Clergy of that Province, then Assembled in St. Pauls Church London, that he would ever honour, and humbly obey the said King Henry VI. and own him as his Sovereign Lord, & King of England, during his whole life, and afterwards renew'd this Oath in open Parliament.

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*From which Premises, every unbias'd Man may see; that if the Progenitors of Edward the present Usurper, had formerly any Right to the Crown of England, which they never had, they fully & absolutely receded from the same, by their Promises & Affirmations, confirm'd by their seals & Signs manual, by spontaneous Renunciations, as well tacite as expresse, and by solemn Oaths willingly made, both in Parliament, and in the Convocation of the Clergy, Which are of the highest Authority; so that if they had any Right, as they had none, they precluded themselves, from all Ways of Claiming it by their own Act and Deed, and their Right is annull'd, and extinguish'd in Law.*

It was not without Design, that Our Authors kep'd this Piece in the original Latin, that every one might not see what a heavy Charge of Perjury is brought here against the House of Mortimer and York; and upon what solid Reasons, the Lord Chancellor Fortescue declares their Title, if ever they had any, to be extinguish'd in Law. Here's full Proof of all the Conditions, which Our Authors require to make a Cession and Resignation good; it is voluntary, made in full Parliament, & Convocation, repeated again and again, & confirm'd by Authority of Parliament, yet treacherously broke, by the persons that made it. This Resignation by two successive Heirs, of Mortimer and York, cuts off all pretensions from Collateral Branches, and much more from By-blows, whether Edward the IV<sup>th</sup>s. Marriage stand good or not; so that nothing but Vanity pull'd on by Wild Ambition, could make any one dream of deriving a Title from the house of Mortimer or York, after the Failure of Edward the IV. Issue Male, and the Marriage of his Eldest daughter to Henri VII. of the House of Lancaster. Our Authors then have toild themselves here to very little purpose, in thinking thus to fix a Title for their tricking Claimant whoever he be.

But

But to go on , Sr. John Fortescue 'tis true retracted when he was caress'd by Edward IV. and invired back from France, to which he had retired, Yet that does not falsify the Matters of Fact here related, and for which he vouches the Records of Parliament and Convocation. So that all that he could Justly retract, was his assertion; that the House of York never had any Title by Proximity of Blood. This Retractation is of no Use to our Authors, or any of their ambitious Directors against the Authority of Parliaments in settling the Succession: for the House of York, ow'd their Title at first to Parliamentary Authority: it was taken from them the same Way, and here again it is renew'd by the States. The occasion of it was a Victory which Richard Duke of York & his Party, had obtained against Henry VI. by which this Prince was forc'd to agree, that, provided he enjoy'd the Crown during his Life, the Reversion should be to the Duke of York, and his Heirs, exclusive of his own: That in the mean Time, the Duke shall be stiled Heir apparent to the Crown, and that it should be Treason to compass his Death. Sr. Robert Cotton, & Hubbing-ton, tell us there was likewise a Proviso, that if King Henry, or any on his behalf should endeavour to disannull, or frustrate this Act, then, Richard Duke of York, should have pretent Possession of the Crown: & by Virtue of this Proviso, the said Duke attempted to possess himself of it, when Henry VI. broke this Agreement, but fell in the Quarrel.

*An Account of the Constitution during the Reign  
of the House of York.*

Upon the same foot, says Hubbing-ton, Edward the IV. son to Duke Richard layd claim to the Crown, with better Success, & insisted upon this Title, in the speech he made at his Coronation, so that even this Hereditary King, since our Authors will have him so, claim'd and held by a Parliamentary Right, for it was declared in Parliament, the I. Year of his Reign, that Henry VI. ha-

ying broken the said Agreement in many Particulars, the Crown was duly devolv'd to Edward the IV. by Virtue of that Proviso. This makes it evident that the Parliament had the determination of the Controversy, pull'd down the one King, & set up the other.

But the Times were changeable then, as they have been since, for Edward was drove from the Throne, in the tenth of his Reign, and the Parliament again intaild the Crown, on Henry VI. & his Heirs male, with the Remainder to Geo. Duke of Clarence, Brother to Edward the IV. so that the Lineal Right was once more set aside. It is observ'd by our Historians, that both the Familys of Lancaster and York claim'd by Act of Parliament, which we see to be true in Fact: and so long as that Title to the Crown continued, the Issue of Henry the IV. had no Disturbance from the House of York, who had Seemingly the Right of Blood, tho' that was deny'd by the House of Lancaster, as we have heard already. But as soon as the Parliament weakned their own Authority so much, as to admit the Claim of the House of York, against former Parliamentary Settlements, the Nation was involv'd in new Wars & Confusions, and the House of York never rested, till they drove out Henry VI.

Thus Edward the IV. recoverd the Crown again, in a little while after he had lost it, and prevaild with the Parliament, to repeal the Intail, that had been made on Henry VI. & his Issue, & to settle it on his own son Edward the V.

That Young Prince was proclaim'd after his Fathers Death, but never Crown'd, for his Uncle Richard Duke of Glocester, having secur'd him, and his Brother in the Tower, did cunningly insinuate them to be Bastards, that Edward the IV. had another Wife living at the time of his Marriage to their Mother, and that she continued alive till after their Birth. This Report was so industriously spread, that it obtaind



tain'd universal credit ; In the mean Time , Richard Duke of Glocester, manag'd his Interest so well , that the Duke of Buckingham , with most of the Great Lords & Commons of the Kingdom , attended by the Lord Major and Aldermen of London , came to him at Bainard's Castle , and acquainted him , that they had thought fit , unanimously to elect him King , as being Heir to Richard Duke of York , upon whom the Crown was intail'd by the High Authority of Parliament. So that still we see , it was the Authority of the States which determin'd the Succession ; Tho' had he been next Heir to the House of York , he was one of our Authors Hereditary Kings , and according to their Principles , had no need of such a Parliamentary Recognition.

Richard after some feign'd Excuses , accepted their offer , as we have it in Cottons Records , and the Parliament presented a Bill to him , in substance as follows. *Please it your Grace to understand , the Consideration , Election , and Petition underwritten , of the Lords spiritual & Temporal and of the Commons &c: Then they declare , the Children of Edward the IV. Illegitimate , and that his Brother , George Duke of Clarence , was attainted of High Treason by Parliament in the XVII. of Edward the IV. by Reason whereof , ( As we have it in Bucks History of Richard III. ) say they , all the Issue of the said George , were and are disabled , & bar'd of all Right and Claim , that in any Case they might have , or challenge by Inheritance , to the Crown , and Dignity Royal of this Realm , by the Ancient Laws & Customs of the same. Then they add , Considering that none of the uncorrupted Lineal Blood of Richard Duke of York , can be found but in Your Person , we have chosen & do choose you our King and sovereign Lord. Then the Bill proceeds thus ; All the Learned in the Laws approve your Title , and the Parliament declare you King , as well by Right of Consanguinity & Inheritance , as by Lawfull Election , and entail the Crown on you , and the heirs of*

*your Body, & declares your Son Heir Apparent. To this Bill the King gave his Royal Assent in these Words; And the said Lord The King, by Assent of the said Three Estates of the Kingdom, & by the Authority aforesaid, Grants, all and singular the Premises, containd in the aforesaid Bill, and pronounces, decrees, & declares them, to be true and undoubted.*

From this Act we have the following Observations,  
 1. That here's an Hereditary King, who declares the Parliaments Right of Election to be Undoubted.  
 2. That there being none of the uncorrupted Line of York left but Himself, as the Parliament then Affirm'd, it will be very difficult for Our Authors and their Directors, to find out an Uncorrupted Branch of the Plantagenet Family, from whom, with any Shadow of Reason, they can derive a Title to any Lurking Claimant. But we go on with the Story.

Soon after this, Richard became Odious to the Nation, by contriving the Murther of his Brother Edward the IV. two Sons, in the Tower, where they werè smother'd, between two Feather Beds.

This made the People so Universally detest Him, that they resolv'd He should no longer Reign over them; and taking Hold of the Pretence, which Henry Duke of Richmond, a Branch of the Lancaster Family, set up to the Crown, They Joynd with Him against Richard, Whom he kil'd with his own Hand, in the Battle of Bosworth Field; and immediatly the Lord Stanley, with the General Acclamation of the Army, set the Crown upon the Duke of Richmond's Head.

Before I go further, I would ask Our Authors, whether we have not as good Reason to apply St. Walter Rawleigh's Observation to the House of York, as they had to apply it to the House of Lancaster. They that compare the Historys of both Houses, will see the Fate of Richard Duke of York, and those who Succeeded him of that Family, rather  
 more

more Tragical, than that of the Family of Lancaster: For Hen. IV. enjoyd the Crown all his Days, whereas Rich<sup>d</sup>. Duke of York, lost his Life in the Field without obtaining it, Hen. V. son to Hen. IV. had a glorious Reign, whereas Edward the IV. son to the Duke of York, had a very troublesome one, was several times Unking'd, and his two sons at last suddenly murder'd without Mercy, by his Treacherous Brother, Who met with his Just Punishment in the Field, Universally abhor'd, While the Crown return'd to his Enemys the House of Lancaster, Who had before enjoyd the Crown sixty Years, whereas the Princes of the House of York, held it but twenty four, and not one of them with Peace to Themselves, or Glory to the Nation. Into such Absurditys do these Men run Themselves by a Wild Goose Chase after a Divine Indefeasible Right, and rejecting the Authority of Parliament, in settling the Succession.

It is also Evident from this History, that the Plea of Edw. IV. unlawfull Marriage was forg'd by this Wicked Tyrant Rich. III. the last Male of cursed Mortimers Race, who wore the Crown. This deserved Fate, may serve as a Caveat to any who now fancy Themselves, to be of Mortimers Lineage, nor to think of reviving those Unjust Pretentions, Which tho the Nation was so far Bewitch'd as to believe for a Time, They recover'd their senses afterwards, & reveng'd the Murder of Edw. the IV. sons on the Trickster Richard.

But this Piece of History affords us some more Observations which will not be very Acceptable to our Authors, or Those who employ'd Them. It is evident, the Parliament was then of Opinion; That Bastardy was a very good Cause of Excluding a Family from the Crown: Then what would They have thought of An Imposture Which the Nation has much more Reason to believe, in the Case of the Pretender, than Our Ancestors had to believe the Bastardy of  
of



of Edw. the IV. Issue. And that Imposture was reckon'd a good Cause for Deposing Kings, we have this Remarkable Instance in History. Hen. IV. call'd the scandal of Spain, was Dethron'd, because knowing Himself Uncapable of getting Children, He hir'd Another Man to lye with his Queen, & Declar'd her Daughter so Begotten to be Heiress of the Crown. This did so much incense the Nobility, that They depos'd Him, and set up Alphonso the II. in his stead. The Imposture of our Pretender is still worse, for the Court would not allow Any of the two Princesses, or their Deputies, nor Any Other Unexceptionable Witness, to see that the Queen, was actually deliver'd of a Child, tho' they knew, that the Whole Nation suspected a Cheat in the Matter, as they had very good Reason; since the Popish Queen Mary, Who was as much the scandal of England as Hen. IV. was of Spain, had Attempted to put such an Imposture upon us. The Writers of that Time, are very particular in it, & some of them tell us, that it was one of the Principal Reasons, why her Husband Philip the II. of Spain, could never after endure her, nor can he be blam'd, since an Attempt of that Nature had been so fatal to one of his Predecessors.

Our Authors say p. 181. That Hen. VII. was under a Legal Incapacity of Possessing the Crown, because Descended from a Natural son of John of Ghant, Which excluded him by Common Law. Then since Common Law is the same with Common Reason, why should it not as effectually exclude the St. Germans Pretender, of whose being an Impostor, there were such Violent Presumptions, given by her Present Majesty, in her Letters to the Princess of Orange, that tis impossible for his Adherents to clear him of that Imputation. King James and his Court were so sensible of the Charge, that they not only put away the Pretender in a hurry, upon the Prince of Orange's Arival, but all those who were capable, to have

discover'd

discover'd the Cheat upon Examination. Besides; Ashton who was executed for a Plot, in the Reign of King William, has in a Manner demonstrated the Imposture: For the Paper, which he orderd his Friends to publish after his Death, has these words. *I was carrying over to King James, certain Papers, containing a scheme of the Whole Matter, & Proofs to be Produc'd to prove the Legitimacy of His Royal Highness.* This had certainly been as foolish, as Treasonable, if King James had not been Conscious of the Imposture, for who could be able to prove the Birth of his son, so well as the King, the Queen, & those about them, had the Thing been Recall.

If this Paper had been publish'd, by any but Ashton's Friends & by his own order, the Jacobites would have sworn, It had been forg'd by the Whiggs; but now they have no such subtertuge. Can any Man think, that King James & his Queen, did not exert their full strength, to Prove the Legitimacy of the Pretender, in the Depositions, Which they took care to enroll in Chancery, when they heard of the Prince of Oranges Expedition. But the Party knew, that those Depositions did no Way satisfy the Nation, for there was not one of them to the Point, but that of the Popish Midwife, and the Court took care to send off her and the rest who were most capable to discover the Truth, to prevent their being Cross Examin'd. This must have been the true Reason, why a New sett of Evidence was preparing by Ashton, & the Jacobites about London, that might have been more full to the purpose, which of it self is enough to confirm the Nation in their Just suspicions, that the Whole was an Imposture from first to last.

I shall not dispute what our Authors say, That the Possession of the Crown can not take of Attainders, nor purge all Defects of Blood &c. For tho I know, their Design in the Assertion to be villanous, And  
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that they strike by it, at her Majesty's life and Dignity, as well as at the Validity of all our statutes since the Revolution, yet I am satisfy'd that the Argument turns upon themselves, and their Impostor, who stands attainted by Law, for Usurping her Majestys Titles, and has forfeited his Head again, by an Attempt to Dethrone Her. This Attainder, stands as good against Him, as Those did Which were made in Parliament, against King John, the Duke of Clarence, or the House of Lancaster, & upon Much More Solid Reasons. So that, if for the punishment of our sins, He should ever get possession of the Crown, I shall readily agree to what Our Authors say p. 181. in another Case, That He can be no better than an Usurper, a Traytor, and Lyable to the Pains of Treason. My Reason is the same, with what Our Authors say there, against Hen. VII. That the Legitimacy of his Birth is Questionable, That He is Attainted by Parliament, and That the Whole Kingdom has oblig'd Themselves to accept her Majesty and the Heirs of Her Body, & after Them, or in Case the have None, The Electress Dowager of Hanover, and Her Protestant Heirs, and None other, to be Sovereigns of Great Britain & Ireland.

What Our Authors say p. 102. & onwards, from the Judgment of the House of Lords, in the Case of Richard Duke of York, against Hen. IV. &c. to prove, That Rightfull Heirs cannot Destroy their Title &c. has been sufficiently answer'd already. But we know what they aim at, viz. That the St. Germans Pretender, or perhaps their Lurking Claimant from Mortimer, have made no such Renunciations; therefore they think their Claim stands good. This they think to support by Doctor Brady's Maxim against the House of Lancaster, *non confirmatur tractu Temporis, quod de Jure non subsistit, id est* no prescription, or Tract of Time, can make what  
was



was Unlawfull at first, Lawfull at Last. And as they have it in their Appendix p. 15. *If there be a Right Heir of the Crown, that Claims, or else would Claim, but that He wants either Notice of his Right and Title, or Power to make it Good, or forbears to Claim, for other sufficient Reasons, here prescription signifys Nothing.*

But what will they make of all This, or what can They mean by it? We know the Pretender put in his Claim upon the Death of his supposed Father, And has renew'd it since, by his Invasion, And his Protestation at the Treaty of Urrecht, so that He cannot be the Right Heir, who either wants Notice of his Right & Title, or forbears to put in His Claim. It must certainly be some body else then, That sculks behind the Curtain, and by the great Care Our Authors have taken, to fix the Title of the House of Mortimer and March, we have Reason to think, that it must be some pretended Descendant of that Family: and if it be so, we have already expos'd the Folly of such Pretensions, and shall meet with Them again in another Place.

One can't well tell what our Authors aim at, by their Quotations p. 100. &c. That A Resignation, or Communication of Sovereignty, can't be effectually made without Consent of Parliament. For this is to give the Parliament a greater Power in Determining Titles to the Crown, than these Gentlemen in most Places of their Book seem to allow them, or indeed than possibly they can, If Hereditary Right be Divine & Indefeasible. It must Therefore, be some black and Treasonable Design they have in View, which They dare not speak out, but insinuate in a Traiterous Manner; As if They would have her Majesty, either to Resign, to their Pretender, Whoever He is, or to share the Sovereignty with Him, by Consent of Parliament; A Suggestion, of such Dangerous Consequence, that No Punishment can be se-

were enough for it. One would think therefore that our Authors are supported by some body, who flatter them that they shall come off, as well as Ferguson, & the Author of the Exorbitant Grants, for Treasonable Proposals of the like Nature, or as Lesly did for his Impudent Book call'd *The Good Old Cause*.

They tell us p. 105. of a French MS. in verse, That is in *Biblioth. Harley*. Which gives an Account of Richard II. Troubles, and mentions a Bull from the Pope, That was read by Arch-Bishop Arundel to the People, and contain'd a plenary Indulgence to all that would assist The House of Lancaster, against Richard II. Of what use this MS. and their quoteing my Lord Treasurers Library for it, may be to Our Authors, and Those who employd Them, one cannot well guess, for it is directly against their Hereditary King: but by this, and many such Passages, one would think Our Authors had been well ply'd with French Wine, or strong Welch Ale, when they compos'd this Work; or that They had nothing else in view, but to throw the Nation into Confusion. For this Bull, may tend to Animate the French, Irish, and other Papists, to appear for the Pretender against the Queen, and the Hanover succession, since They may assure Themselves of as plenary an Indulgence, from the Pope now, as that was, or could be. Nor need They doubt of having a Consecrated Banner, like that given to William the Norman, which is probably mentiond by our Authors, to inspire the Pretenders Adherents with hopes of the like success. P. 106 They mention a Reflection of Mr. Prynns in his preface to Cottons Records, *That Kings set up meerly by Parliaments, and their own Power in Them, without any true Hereditary Title, have seldom Answerd the Lords & Commons Expectations, in the Preservation of their Just Laws & Liberties and Answers to their Petitions. I know not whether they have quoted Mr. Prynns Justly, but the Current of our Historys, proves the Observation*

to be very ill founded. For the Great Charter of Our Libertys, was deriv'd from the Saxon Laws, and it has been sufficiently prov'd that our Kings in those Dayes, were set up by Parliaments, either for their real or supposed Merit, without any Regard to that which is Now call'd Hereditary Right, in the sense of Our Authors, & their Faction. Besides, it is plain to a Demonstration, That, Hen. III. Edward II. Richard II. and Edward IV. who were all Hereditary Kings, in their sense, did invade our Laws & Libertys, in as Arbitrary and Tyrannical a Manner, as it was Possible for Men to doe: And if my Lord Clarendon has not been very Unjust to King Charles the I. Our Liberties sufferd much in his Reign. What they sufferd by King Charles, & King James the II. is too well known; yet all these were Hereditary Kings. Our Authors then had as good have let Mr. Pryn's Quotation alone, for what they have got by it. We know They pointed it at King William and the Family of Hanover. As to the first, The Nations will always remember, tho' our Authors would have it forgot, That King William Who was only a Parliamentary King, Restored us Our Laws & Liberties, which their Hereditary Kings, had well nigh Rob'd us of. Nor has any Attempt been made upon them since, but by Those, who are call'd Hereditary Right Men.

As to the Family of Hanover, We know that the Faction indeavours to Represent Them, as Arbitrary Princes. But those who have been in the Elector's Dominions, or Conversant at His Court, must needs be Convinc'd of the Contrary; Tho' some People, have pay'd their Spyes sufficiently well, no doubt, to bring up a Bad Report on the Promis'd Land. No Prince in Germany, observes more strictly the Constitutions of the Empire, than his Electoral Highness; Nor has Any Prince been more Forward & Brave, to Venture his Life and Troops in Defence of the



Common Libertys of Europe , tho his Endeavours were not seconded as they ought to have been. The French have had such a Taste already of the Early Valour of the Electoral Prince, his son, as we have no Reason to wonder, that they and their Friends, should dread the succession of that Family to the Throne of Great Britain. No subjects in the Empire live more Happily than his, Nor can there be a Prince more impartial in administering Justice, or vigilant in seeing it perform'd to the meanest of his subjects, by those entrusted to do it. The Faction know his Oeconomy to be such, that his Great Officers can't if they would, raise their Estates, by plundering his Exchequer or oppressing their Fellow subjects. He allows none to foment Divisions, under a false pretence of zeal for the Church, nor to run down those who differ from them, meerly in Circumstantials, as not fit to be tollerated. His soul is too Great for such Narrow Views. He knows too well, what His Ancestors on both sides have sufferd, by Tyranny and Persecution in Germany, which They bravely Oppos'd. He can never forget, That Her Royal Highness His Mother, was born in Exile, Which made Her a Confessor from Her Infancy. The King & Queen of Bohemia her Parents, lost a Crown as well as the Electoral Dignity, for Adhering to the Protestant Interest, and the German Libertys. Nor is His Electoral Highness Ignorant, how much the Non-Resistance of some, and the Non-Assistance of Others, contributed to their Misfortunes. It is therefore a signal Providence, That Their Posterity is now Legally Intitled to Three Crowns, instead of One which They lost in so Glorious a Cause.

I pass over the Law Cases, quoted by Our Authors from p. 106. to 130. as being nothing to their Purpose, but rather against them; the Result of all being this, That Patents granted by Those whom They call Kings de facto, were held to be good in the Reigns

of their Kings de Jure, and That Treason against de facto Kings, was punish'd by Those they call Hereditary. Yet I can't but take Notice of an Exception they quote, p. 128. from a MS. History of the Pleas of the Crown, by the Lord Ch. Justice Hale. *That Attempts against an Usurper in compassing his Death, have been punish'd as Treason, unless they were made in the Right of the Rightfull Prince, or in Aid or Assistance of Him, against the Usurper.*

We may plainly see that this Quotation is brought on purpose to Justify the Assassination Plots, & Invasions against the Late King William & Q. Mary and Her Present Majesty. But we have Reason to believe They have quoted the passage unfairly, for the Lord Ch. Justice Hale, was too good a Lawyer & Divine to allow Assassinations in any Case; & He & every one else, will allow a fair war, against a Real Usurper such as the Pretender, should he ever get Possession of the Crown. Nor do the Laws of England restrain any man that has an Opportunity, from doing Justice upon an Attainted Impostor; for he that is an Outlaw, can have no Protection from the Law, much less such a one as the Pretender Who came with an Armed Force to subvert it, and were he in Possession of the Crown is oblig'd by his Principles to overturn it. It is moreover a Necessary Consequence, which attends the system that Our Authors and their Party set up, That all the Kings of their sort must be Outlaws; for They that pretend to be above Law, & to have it all in their Own Breast, As Richard II. did, can never be intitled to Protection from that which has not a Being; for here the Philosophical Maxim holds good, *De non apparentibus, & de non existentibus, eadem est ratio*: Or to give it in scripture Terms, *Where there is no Law, there is no Transgression*. And it is as Demonstrable as any proposition in Euclid, That there can be no fix'd or known Law, where the Will of the Prince must pass for Law, since that is  
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as changeable as his Passions: so that No man can be more safe in Executing his Orders, than the Enemies of the Jews were in executing those of King Ahasuerus, which by a Contrary Order turn'd to their own Destruction, ev'n in the Monarchs Pallace. 'Tis true that this was the Effect of a particular Providence, by which God sav'd his own People, Yet it does not Excuse the Kings Precipitancy in his Orders either. Way, nor his too Great Fondness of his Queen and Favourites. Besides We have Instances at Home of the Mischief such Fondness, as well as the Unlawful Amours of our Princes have done to our Religion, Libertys and Allies: Witnesse Henry VIII. & Charles II. to name no more.

Our Authors p. 129. do plainly incourage a Rebellion against her Majesty, when they tell us, That this Passage of the L<sup>d</sup>. Ch. Justice Hale, supposes *Alliance due to a King de facto, to be only Temporary, and, could not destroy The Indefeasible Title of the King de Jure*: But When our Duty calls, & Opportunity Favours, We are bound to Attend the Commands of our Lawfull Prince. This is a plain Declaration, That the Party ly upon the Watch, and are ready to take Arms against the present Government, when ever their Pretender orders them to do it, and that they think the Opportunity favourable.

Our Authors tell us p. 132. That Edw. IV. might have declar'd all the statutes made by the Lancastrian Kings, void, whenever he pleas'd, And, p. 134. That, He Actually did make void, several of their Acts, for Want of Authority in the Makers of Them. But, They Unhappily blunder, and own a litle after, That it was Edw the IV<sup>th</sup>s Parliaments, who made void some of these Acts, and Confirm'd Others of them. We see however what the Faction design by Ascribing such a Power to their King de Jure Alone, and we may guess at the Consequence, if the Pretender carry his Point. They ought



ought to have been more gratefull However, to the most Honourable the L<sup>d</sup>. Treasurer for the Use of his Library & MSS. than to advance such Doctrine; For it may not only destroy the South Sea Act, but turn his Lordship, & more than a dozen of his Friends, to Countrey Squires again. Besides They don't know What a Devil they may have rais'd Against the St. Germain's Pretender, for should a Right Heir start up out of old Mortimers Alhes, ( and They ha'nt yet told us, where else it is possible to find one in England, ) This according to their own Maxims, would sink the St. Germain's Spark at Once, and Annul whole Volums of Acts, that were made by his suppos'd Ancestors.

But They may be pleas'd to remember, what we have hinted already, That if Their Principles be pursued, a Right Heir may spring up from the Family of Douglass, that would Kick their Mortimer, and all the Rest before him like so many Footballs: and our Authors may be pleas'd to take Notice, that King James the firsts Grand Mother by the Father's side, being a Daughter of that Heroick Family, his Line has by that Means the Preference to all their Mortimers and Suffolks; & particularly her Royal Highness Princess Sophia, who is great Grand daughter to that Illustrious Lady, cuts them all out at once. These Gentlemen advance further, & tell us p. 136. *That the Proceedings in Courts of Judicature, under a King de facto, are of No Authority, because He is not qualify'd to give Commissions to Judges; that He can neither Create a Noble Man, nor Bishop, And that all Priviledges, and Immunitys, granted by Him, to Citys, and Corporations, and Presentations to Benefices, Licences of Mort main, Grants of Wards & Marriages, Fairs & Markets, and Lands bestow'd, are Revokable at the will & pleasure of the Rightfull Successor.*

Surely every Man who reads this Paragraph, must take it for granted, That our Authors, and their

Directors, had nothing else in View, but to turn the World up side down: And there's the greater Reason to think so, if we Consider their Quotations p. 150. from Syderfin's Reports. *That it was a Question among the Learned, whether the Acts of Convention in 1660. were good, Notwithstanding the Confirmation in the XIV. of Charles the II. which Ratify'd, Confirm'd, Enacted, and Declared, The Acts there mention'd, to have the Force of Laws, as if made in that Parliament.*

And That our Authors might be sure, to leave Nothing untouch'd that would throw us into Confusion, They tell us p. 152. *That all the Acts of the Lancastrian Kings were Ipso facto Null and void, because They were not Kings de Jure: and they support this by the Authority of King Henry VIII. And his Councill at Law: Who told the Londoners, when they objected, The I. of Richard III. cap. 2. Against the Loan, which H. VIII. demanded, of ten per Cent of all their Estates: That Laws made by Usurpers, oblig'd not Legitimate Princes, any further than They pleas'd Themselves, and He collected the Benevolence without any Regard to That statute.*

What can Our Authors & their Directors aim at, by such Propositions & Quotations, but to unhinge every Thing that we reckon a security for the Title of our Sovereign, & her Protestant Successors of the Hanover Line, or that can intitle the subjects to a peaceable Possession of their Laws, Liberties, Honours, Lives, and Estates? Here They Manifestly, shake the Recognition of K. Ch. II's. Title, and the Property of the Subject ever since, that they may reach a blow at the late Convention, and the Laws which have been made since the Revolution, for securing our Religion and Libertys by a Protestant Succession. I have not time now, to Argue the Lawfullness and Power of the Convention of States, that met at the Revolution. But we have seen Precedents enough already to Justify that Convention, and

and those who have a Mind to be further satisfy'd about it, may read Mr. Tyrrels *Biblioth. Politica*, and two short Papers, The One call'd, *The Late Honourable Convention prov'd a Legall Parliament*, and the Other, *The Present Convention a Parliament*, in the Vol. of State Tracts, printed by Rich. Baldwin in 1692. p. 457. &c.

By this we may clearly see, That our Authors and their Directors, throw Firebrands about like Mad-Men, and it is all one to them, whether they hit Friends or Foes, so they can but raise such Ferments in the Nation, as may make us a Prey to the Common Enemy, or expose us to any Usurper, who has Craft, & Mony enough at his Disposal to make his Interest during the publick Confusions.

Who ever their Right Heir be, They have given him such a Power to Resume Lordships Bishopricks, Benefices, Charters, and what ever He pleases, without any Tryal or Form of Law, & such a Right to Levy Mony upon every Body, That He may soon fill his Exchequer, and be able to maintain a standing Army, without being oblig'd to Parliaments, so that he may turn them off for ever. Nor can He be at a Loss for Honours Estates, Offices, & Benefices, to Gratify his Lay & Ecclesiastical Friends; for according to our Authors, No Man has any Right to Honour, Estate, Grant, Charter, Post, or Benefice, but as He thinks fit to allow it. So that if the Right Heir comes from St. Germans, Bar Le Duc, or any where else beyond sea, Our Authors have layd in a sufficient stock of Wealth & Power for him; or, if He happen to spring up from under the Tree, upon Which old Mortimer was hang'd, or from His Athes in the Castle of Wigmore, He is yet much better provided for, because his Resumptions will run much higher. But if from old Baliol or Douglas His stock must be Immense, and the whole Island become his Property, I know Nothing that can escape,



But Baliol Colledge in Oxford ; which that Prince Founded , for every Thing else that has been Granted since Edm<sup>d</sup>. Ironside's Time, must be Null and void.

One would be apt to say Our Authors have done enough for their Right Heir, from what ever quarter they conjure him up , but they think otherwise. Their Invention and Industry know no Bounds , but are as Unlimited , as they would make the Prerogative. They have out done all the Pontchartrains. Chamillards. Vaubans & Torcys , Nay even the very Lowndes's in finding out Wayes & Means.

They outrun all the Adepts , & Brethen of the Rosy-Cross , who are but Bunglers , at the Philosophers stone , or the Grand Elixir, in Comparison of Them , as we shall see anon.

They tell us p. 138 , that Edward IV. when petition'd by the Commons , That all Acts of Parliament before his Time for Payment of Fees , Rewards , and Cloathing of his Justices , Barons of the Exchequer , Sergeants at Law, Attorney &c. might be good , & of Force , He Answerd That he thought it Necessary , that They be truly paid but not to affirm their Assignment of Payment by Authority of Parliament ; But That it be at the Kings Pleasure.

This is a plain Instance , That our Authors Rightfull & Hereditary King , had as Little Regard , to the Petitions of Parliament , as any of Their De facto Kings. It's hop'd Our Judges , will take Notice of this , and the fore going Paragraph , which according to the Principles of our Authors , make void their Commissions , and cut them off from all hopes of their Arrears , if Any Pretender should start up. Besides , such as have any Titles , to Estates or other Causes determin'd for them since the Revolution at least , may see how little those Decisions are to be depended upon ; for without any more adoe , the Right Heir may turn them out of their Estates , because Our Judges have had no Legal Commission to act by : and If the Doctrine of Our Authors hold good , it will reach as high

as Edm<sup>d</sup>. Ironside; so that among Multitudes of Others who Lose their Estates, The Most Honorable the Lord Treasurer will be turn'd out of his Castle of Wigmore, which is but a sorry Return from these Gentlemen, for the Use of his Library & Manuscripts.

But as if all this was not enough, They tell us further, *That Edward the IV. did not in four Years Answer the Petition of the Commons: That the Acts of Parliament, made in the Time of the Pretended Kings for Payment of Mony, due to the Mayor and Fellowship of Merchants of the staple of Callis, for what was lent by them, to any of the Said Pretended Kings, or for Payment of Wages to the Garrisons of Callis, & the Marches, be in Force and Effect.* Upon which our Authors make this Reflection: *That here is a National Debt, contracted upon Parliamentary security, and very probably for carrying on a War against France &c. in Danger of being intirely defeated, had not King Edward at last by his Royal Assent Intitled it to a legall Payment.*

This is too plain to Need a Comment. We have heard much of a Sponge to wipe out all the Publick Debts with a Dath, And here our Authors, have brought a Precedent for it with a Vengeance; so that Whatever Pretender comes in, He may stop all Payments in the Exchequer and cancel the Funds, appropriated to Publick Debts at Pleasure: nor Needs he fear any Interruption by a Parliament, since Our Authors have provided him Mony enough without one. This is very plain dealing, and shews that the Faction has concerted their measures against the time comes. Every one knows, they have run down the late War with France, not only as Unnecessary, but Unjust; therefore according to those Principles, they who lent Mony to carry it on, ought never to be repay'd; and we may be sure, that if their pretender come in by the Assistance of France, He will readily comply with this Advice. Our Authors take their precedent, from the Reign and practice of a Prince,

who abandon'd His Allies, and made one of the most Inglorious Treatys of peace with France, that ever was heard of, it we may believe Commynes, who tells us that our Ministers & Parliament were brought into it by Bribes; This left the blackest stain upon our Nation, that we meet with in History, and layd the Foundation of that exorbitant power of France, that has been so fatal to all Europe.

Here we see there's an end of our Mony and Estates, if their Right Heir comes in. There remains Nothing now for our Authors to do, but to destroy the Protestant succession, & the other Laws made for the security of our Religion and Libertys, since the Revolution. And this they Accomplish with one dash of their pen. They tell us p. 141. *That Edward the IV. in his first Parliament, declar'd all the Acts, for settling the succession on the House of Lancaster, to be void and Null, and that the Title to the Crown, after the Decease of King Richard the II did by Law, Custom, & Conscience, descend to Edmund Earl of Mortimer and March;* so that we may see the Title of this Family haunts our Authors like a Ghost, its never out of their view, by Night, nor by Day: Heres a full parliamentary Recognition of it, exclusive of Henry of Bullingbrook, and all his Posterity: And if our Authors & their Directors can be so lucky as to point out this Edmonds Right Heir, exclusive of the Descendants of Edward the IV. whole Marriage they have made Illegitimate, then They think They have done Their Work, and have search'd Historys, Librarys and Records to very good purpose. But still I must put them in Mind to beware of Baliol, lest he prove too hard both for Mortimer & Bullingbrook. It's hop'd however, Our Parliament will enquire into the meaning of these Things.

These Gentlemen, that they may further oblige their Pretender, tell us p. 155. That the Acts of the House of Lancaster, which limited the succession to their own

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Family, would have been of no validity, tho Edward IV. had not Annulld them by Act of parliament. This is doing the work the shortest way, so that whenever their Pretender Appears, He is Master of our Laws, Liberties, Lives, Estates, and Crown at Once, without putting Himself to the Trouble of any Body's Resigning, or sharing the sovereignty with him in parliament. Those who Employ'd Our Authors, were sensible, that this Gordian Knot could not be easily untied, and therefore were Resolv'd to cut it at one Blow.

*An Account of the Constitution after the Union of the Houses of York and Lancaster.*

It is high Time now to return to Henry the VII. whom we left possess'd of the Crown in Botworth Field; for being Chas'd over Hedge & Ditch by Mortimer's Ghost, we had much a do to find him again. This Prince, did not think the Crown stood fast enough on his Head, by the Lord Stanley's placing it there, with the Applause of his conquering Army, but call'd a Parliament in the first year of his Reign, who confirm'd it. Thus. *For the Wealth, prosperity, and surety of this Realm of England, and for avoiding all Ambiguities, & Questions; Be it ordain'd &c. That the Inheritance of the Crown, of the Realms of England, and France, with all the prehemniencys, & Dignitys Royal, to the same Appertaining, and the Allegiances to the King belonging, beyond the seas, shall be, rest, and abide, in the most Royal person of our sovereign Lord Henry the VII. and in the Heirs of his Body Lawfully comeing, perpetually, with the Grace of God, and so to endure, & no other.*

Thus we see Indeteasible Hereditary Right once more bury'd, and a Tomb stone put upon it by Parliament, for here all the Branches of the House of York, are not only excluded, but Henry the VII<sup>th</sup>s. own Mother who was then alive, tho his Claim from the Family of Lancaster was by Her. My Lord Bacon, one of our best Historians, mentions it in his  
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History of this Prince, as one of the Greatest Instances of His Wisdom, that He did not press, to have this Act as a Declaration or Recognition of Ancient Right, but only as an Establishment of the possession He then had; nor to have the Remainder limited to any person, after the Determination of His Estate, but was content, with the settlement upon himself, and the Issue of his own Body, leaving it to the Law, to decide what was to follow, upon the Failure of such Heirs.

One would think, That we have now fairly done, with the Indefeasible Lineal succession. But our Authors & their Directors won't let it rest so, They assume an Authority superior to that of parliament, & tell us p. 157. That Hen. VII. was an Usurper, and p. 159. That the Peoples obedience to him was Justify'd by his being Husband to the Right Heiress to the Crown. Yet we find The parliament does not make the least mention of his Ladys Title, Nor do we see how they could, if her Father Edward the IV<sup>th</sup>s Marriage was Unlawfull, as Our Authors have told us. They likewise say, that He asserted His own Hereditary Right, before both Houses, Rot. Parl. 1. H. 7. Act. I. Cap. 6. By which 'tis Plain nothing else could be meant, but that he was a Prince of the Blood, since we find by what has been said before, that it was the Custom for such, when Advanc'd to the Throne by Parliament, to be own'd as Hereditary Kings, tho' not in the Limited sense of our Authors.

They are at a very great Loss, how to rid themselves of the Act made in the XI<sup>th</sup>. of his Reign Cap. 1. Which says, *it was against all Law, Reason, & good Conscience, that subjects going into Wars with Kings de facto, should lose or forfeit, for doing this their Duty of Allegiance.* This does so plainly assert the Authority of Parliaments, in determining Controversies about the succession, that we are not to wonder, Our Authors & their Directors make use of all their sophistry to avoid

avoid the Force of it. Therefore, p. 169. They deny this statute to be Applicable to a King *de facto*, tho' the very Words say it is. And they themselves own that it has been taken in this sense, by some of the most Eminent Lawyers. Perhaps, one of the Reasons why they combat this sense of the Act so much is, that they fear they have done too much Injury to the Descendants of Mortimer, before Edward the IV. by owning Hen. VII<sup>th</sup>. Lady to be true Heiress to the Crown. Therefore, if that Affair come ever to be canvass'd by any Lurking Claimant, she shall go for a Queen *de facto* too, as she Actually did, among those who favour'd Pretenders against her Title. However that be, We shall consider their Arguments for the sense they put upon this Act.

They say, this statute has a Proviso, *That no person or Persons shall take any Benefit, or Advantage, by this Act, who shall hereafter decline from his or their said Allegiance.* From hence our Authors infer, *That there may be some Kings de Facto, to whom it may be dangerous to do any service. They mean* (say they) *such as should depose a Rightfull Prince, and place Themselves on his Throne.* But this is a meer Evasion, for the Allegiance here referr'd to, which excluded those from the Benefit of the Act who should break it, was that sworn to a King in being, untill such time as the Parliament should recognize another Heir, otherwise, no Man could be punish'd for takeing Arms against a King in being, Under the standard of any pretender that should call Himself King, and be own'd as such by any turbulent Faction, as afterwards happen'd. It was with this View therefore, that the said proviso was inserted, For Hen. 7. and his Parliament, knew very well, that there were other Branches of the Royal Family, besides Him, and his Lady. Nor were they ignorant, that the York Faction, had still an inveterate Malice against Him, notwithstanding He had marryed the Heiress of that Family.



mily. Accordingly, that Faction set up two Pretenders successively, viz. *Perkin & Simnel*, under the Notion of Edward the V. and his Brother Richard, who they pretended had escap'd from the Tower, instead of being murther'd there by Means of Richard the III. Tho' these Impostors, were persons of as base an Extraction, as the son of any Tile-Maker or Page now adayes, They were taught so well to personate those Princes, by the Dutcheß of Burgundy, younger sister to Hen. VII<sup>th</sup>. Queen, that They were countenanc'd by the Kings of France & Scotland, and their Legitimacy sworn to as heartily, by some of the English Nobility, who were impos'd upon by the Dutcheß of Burgundy, & some knavish Priests, as the Legitimacy of any Modern Pretender ever was, or could be. From all this it is plain, that the proviso, upon which our Authors, & Those who Employ Them, lay so much stresse, turns directly upon Them, and the rest of the Faction, who are for setting up some pretender or other, against the Queen, and the Family of Hanover, whose Titles are establish'd by Act of Parliament.

Since Our Authors, & Those who direct Them, quarrel with the true sense of this Law, we may see what They intend, against such as serv'd the Late King Wm. at the Revolution, and who serve the Queen against the Pretender, or that shall serve the House of Hanover in the same Cause. And lest we should mistake these Gentlemen, or think their Malice not extensive enough. They are pleas'd to inform us p. 169. & 177. *That whoever took up Arms for a King de facto, or assisted him with Men or Money, The Divines That made it Gospel, and The Gentlemen of the Inns of Court, That made it Law, are all involv'd in the Guilt, of departing from their Allegiance, by vertue of this Clause in the statute of Hen. VII. And for Those that have brought about this settlement of a King de fac-*

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to, who may be, sometimes the Chief Gentry, and Nobility of the Kingdom, They are all Abandon'd to the Mercy of the Injur'd Prince, if ever He returns, & must be beholden to him, if They escape with Impunity. Nay, according to Our Authors, ev'n, Acts of Parliament, & Pardons given by Kings *de facto*, will be of No avail to indemnify Those, who assisted Them, to obtain the Crown. To make their meaning still plainer, They slyly reflect p. 178 Upon the Acts made after the Revolution, to prevent vexatious suits, against Those who assisted King Wm. and say, *such Acts will always be Necessary for Adherents to Unjust Pretenders, who depose Lawfull Princes; but when Kings de Jure are the Invaders, whoever assists them in their Quarrel, Need no Act of Parliament for their Indemnity.*

I doubt our Authors are not so much conversant with the statute Book, as they would have us believe, otherwise, They must have known, that ev'n those who fought for the Royal Martyr were included in King Ch. II. Act of Indemnity, which carries a scurvy Innuendo for our Authors, & their Party. This may teach them, that since in the Opinion of Royalists an Indemnity was needfull, for those who fought under a Lawfull King, against the Authority of Parliament, it is much more dangerous, to fight against Lawfull Princes in Behalf of a Pretender, who stands Attainted & excluded by Law.

As these Gentlemen, did formerly hit upon a very Ominous Argument, from Piercy's Rebellion against Hen. IV. to Justify Rebellions against the Revolution, They have now touch'd upon a more Ominous Instance of Impostors, & pretenders to the Crown, against a parliamentary settlement, in the line of Hen. VII. They would do well to take care then, lest the Halts & Axes they have provided for our Clergy, Lawyers, Nobility & Gentry, who have concurr'd with the Revolution, and the Hanover succession, be

not like Haman's Gallows, made use of for themselves, & others who shall adhere to any Impostor, who pretends a Claim from old Mortimer, or the Late King James, against her Majesty, and the Family of Hanover.

Whatever security they promise to those who Joyn with their King de Jure, to Invade us, and for which it seems they are ready, Our statute Books will tell them, that those who do so, tho' they have Commissions in their Pockets, may be hang'd on the next Tree or sign post, with their Commissions about their Necks. They may put it to the Trial as soon as they please, the Revolution party has Courage enough to meet them in the Field, with swords in one Hand & Halts in the other, to execute those statutes by Martial Law.

In the mean Time, we may plainly see, that either our Authors and those who employ Them are Mad, or think themselves sure of an Army from abroad, & a Rebellion by Cut-Throats at Home, to murder the Chief of our patriots before hand, or They would never be so Impudent as to write at this Rate. It is hoped therefore, that instead of being bully'd out of their senses, The Nation will take the Alarm; and there's no doubt but her Majesty & the Parliament will think on proper Measures, to quell the Insolent Faction, who dare thus openly threaten her sacred person & Dignity, & the Hanover succession; And by their Resumptions, & Arms under their King de Jure, talk of depriving our Nobility, Gentry, and Lawyers, of their Honours Lives & Estates, our honest Bishops & Clergy of their Mitres & Benefices, our Corporations of their Charters, the Publick of their Funds, and the whole Bulk of the Nation of their Religion and Libertys. Since all these are the Necessary Consequences of the Propositions and Arguments which



our Authors lay down, & of the Topicks which They enforce, to make us submit to their Pretender, it is a plain Demonstration, that the Nation, has no other Way to save it self, from those Dangers, than by a stedfast Adherence to the Hanover succession.

I return to the Argument of Our Authors, against the obvious Meaning of the XI<sup>th</sup>. of Hen. VII. and must go to p. 249. 250 &c: for since They leap over Hedge & Ditch, I am oblig'd to follow them. They tell us, That King Ch. I. objected against the parliament's putting the sense we contend for on this Act, That it was new, and contrary to the sense it had been taken in for near 150 years, And no Doubt say they, He made this Objection, by the Advice of his Council. Then they tell us, That the Attorney General Mr. Finch, was also against the Parliaments Exposition. By this we see, what good Friends ours Authors are to the English Constitution, and the known Maxim, that they who make the Law, are the only Persons that have Power to interpret it, when the Meaning of it is controverted, and that is certainly the King and Parliament. But if any King, with the Advice of his Council and Attorney, takes upon him such a power, our Authors may remember, That the Church of England would not allow it, when King James took upon him, by the Advice of his Council & Judges, to interpret the Laws, for his Dispensing with the statutes against Papists and Dissenters, even tho' he had the formal Determinations of both Universities, and of many of his Bishops & Clergy, as well as that of his Council & Judges on his side. It is to be hop'd then, that the Church of England, who would allow of no such Determination in Favour of Popery, at that Time, will not allow it, in Favour of the Pretender now.

But we come to the Declaration of the Parliament

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in 1642 about the Statute of Hen. VII. They say, That the Meaning of it is, the securing a King for the Time being, that was own'd by Parliament, and received & Acknowledg'd by the Kingdom, whose Consent cannot be discern'd, but by Parliament, and, That it imply'd that no Man should be Accounted a Traytor, for serving the King in his Warrs for the time being; that is, who was for the present allow'd and receiv'd by the Parliament in behalf of the Kingdom, and as it was truly suggested in the Preamble of the statute, it is not agreeable to Reason or Conscience, that it should be otherwise, seeing Men would be put upon an Impossibility of knowing their Duty, If the Judgment of the Highest Court, should not be a Rule & Guide to them; And if the Judgment thereof should be follow'd, when the Question is, Who is the King? Much more, what is the best service to the King and Kingdom? And therefore those that will guide themselves, by the Judgment of Parliament, ought whatever happens, to be secure and free, from all penaltys, upon the Grounds and Equity of this statute.

Then in their Remonstrance of Nov: 2d. that same Year they say, This statute was made to secure the subjects from that continual uncertainty and Danger, they were expos'd to, in Respect of the different Titles of York & Lancaster; the one prevailing one time, and the other Another. So that whomsoever the Parliament had at that Time receiv'd in Behalf of the Kingdom, he must undoubtedly be accounted King for the Time being, and consequently the People secur'd in following him, tho' Another, and haply a better Title had been set up against him.

Our Authors may call this Parliament Rebels as long as they please, but they have either given the true sense of this Act, or it had none at all. These Gentlemen own p. 170 That the Lord Ch. Baron Bridgman, gave this as the sense of it, at the Tryal of Cook one of the Regicides, and no Body doubts of

of my Lord Ch. Barons Loyalty or Judgment. It is also evident, That the Lord Bacon, who wrote the Life of Hen. VII. and was a very Able Judge, took it in the same sence, therefore he says, it was a Law of a strange Nature, rather Just than Legall, & more magnanimous than provident. His Lordship had certainly Reason to say so, for it might have turn'd upon Hen. VII. himself, and those who adher'd to him, had any of the Pretenders against him been successful enough to be receiv'd and own'd King by Parliament. But he was so Just & Magnanimous as to run that Risque rather than to expose the Nation to such Butcherys, as they had formerly undergone in the Quarrels betwixt the Houses of York & Lancaster.

It is demonstrable, that the Proviso which our Authors insist upon, could never be intended to destroy the Act it self; for in that Case, it must be an Act & no Act, at one and the same Time, an Absurdity that no Parliament could be guilty of; unless it be such Mobb-Parliaments as our Authors seem to wish for and yet despair of, that shall agree to the Resignation of the sovereign Power, or to the sharing of it betwixt her Majesty & the Pretender, as they have long ago had the Impudence to propose.

Our Authors say p. 178. for I must follow them in all their Doubles. *Lastly after all that has been said concerning the Meaning of this statute, May it not be doubted whether it is now in Force. Their Reason is, In King Williams Reign, an Act was past, which declared the subjects absolv'd from their Allegiance, if the King of England shall ever appear to be a Papist. Now this Act cannot possibly signify any Thing, if subjects who serve & defend the King for the Time being do their true Duty and Allegiance, as is affirm'd by this Law of Hen. 7.*

This Paragraph is so trickingly worded, that it wants



wants an Oedipus to unriddle it. It must be contriv'd on purpose to serve some dark End, or at least bespeaks Confusion in the Noddles of him or them, who directed the Writing of it. Their Meaning however is known, by the scope of their Book. This Act which according to them cannot possibly signify any Thing, is the Act of King William, therefore that of Hen. 7. with their Gloss must stand good, and as we have heard already, that Gloss makes it likewise signifie Nothing; and since they have made Hen. 7. an Usurper, all his Acts are Nothing, and so they have spent a great Deal of Labour about Nothing at all.

But supposing that Hen. VII<sup>th</sup>s. Act is contrary to that of King William, where did they learn that Law, which makes an Old Act annul a New One? Not in Westminster-Hall or in either House of Parliament, but from the Author of Confusion. They may know however that King Willam's Act stands Good, and that it is not in the Power of the Parliament of Great Britain to repeal it. But more of that in its proper Place.

Our Authors tell us in their Appendix p. 16. *That the Pope for extinguishing the Divisions betwixt the Houses of Lancaster and York, granted his Bull by the Consent and Councill of his Colledge of Cardinals, to approve the Marriage betwixt Hen. 7. and the Lady Elizabeth, and confirms his Right to the Crown, as well by his Nearest Title, as by the Right of his Victory, the Election of the Lords spiritual & Temporal, & other Nobles, and the Act of Parliament made by the Three Estates. If ever there was a Pope, who resolv'd to Act an infallible part, this certainly was he; for, to make sure work on't, he takes in all the Titles together, except the Lady Elizabeth's, for which, I suppose our Authors will scarcely grant him a pardon.*

Yet

Yet after all, Henry 7. took his Parliamentary Title to be the best, and so I believe did the Pope. My Reason is, that one of his Predecessors, as Infallible no Doubt as Himself, call'd the *Voice of the People*, the *Volce of God*, in the Case of King Stephen. And we have one of this very Pope's Council, Cardinal Adrian, who being promoted by Henry 7<sup>th</sup>. to the Bishoprick of Bath & Wells, renounc'd all Clauses in the Popes Bulls which might be prejudicial to his Sovereign Lord, and the Heirs of his Body Lawfully Issuing, the King of England. These were the very Words of the Act of Intail, so that here we have a Cardinal who prefers an Act of Parliament, to the Pope's Bull, for settling the Succession. The Record of the Cardinals Oath of Fidelity, is inserted in the first Volume of Dr. Burnet's History of the Reformation, Collection of Records, p. 4.

We come next to the Reign of Henry 8. He succeeded his Father Henry 7. by Virtue of the Parliamentary Intail, and tho' he was as much for Arbitrary Power, & us'd Parliaments with as little Respect; as any of his Predecessors, yet he was so far from questioning their Power in settling the Succession, that he had frequent Recourse to it for that End, as will appear by the following Instances.

In 1534. the 25<sup>th</sup>. of his Reign, an Act was made about the Succession, to this Effect. The Parliament sayes, " They were bound to provide for the perfect  
" Security of the Succession, then they take Notice of  
" the Distractions, that had been in England about  
" the Succession to the Crown, which had occasion'd  
" the Effusion of much Blood, with many other Mis-  
" chiefs, all which flow'd from want of a clear Decision  
" of the True Title, from which the Popes had Usurp'd  
" a Power of Investing such as pleas'd them, in other  
" Princes Kingdoms, and Princes had often maintain'd  
" such Donations for other Ends. Therefore to avoid  
" the like Inconveniencys, they declar'd the Kings for-  
R " mer

mer Marriage with Princeſſe Catherine null, becauſe  
 within the Degrees prohibited by Moſes. At the  
 ſame Time they declar'd the Princeſſe Mary born of  
 that Marriage to be Illegitimate. And the Marriage  
 betwixt the King & Queen Ann to be Lawfull. Then  
 they Enact, that for the avoiding all future Queſtions,  
 the Imperial Crown of this Realm, ſhall be to King  
 Henry the 8th. and the Heirs of his Body lawfully  
 begotten on Queen Ann, and his Iſſue Male by her or  
 any other Wife, or in Default of Iſſue Male, to his  
 Iſſue Female in like Manner, and in Default of ſuch  
 Iſſue to the Right Heirs of the Kings Highneſs for  
 ever, and any that after the firſt of May divulg'd any  
 Thing to the Slander of the ſaid Marriage, or the  
 Iſſue begotten in it, were to be Adjudg'd for Miſ-  
 priſion of Treason, to be Imprison'd at the Kings  
 Will, and forfeit all their Goods and Chattels. An  
 Oath was alſo Enacted obliging the ſubjects to ſwear  
 to the Succeſſion as thus eſtabliſh'd, and the Refuſal  
 of it made Miſpriſion of Treason.

But King Henrys Mind changing with his Amours,  
 and Queen Ann being put to Death on Suſpicion of  
 Unchaltity, her Daughter Princeſſe Elizabeth was de-  
 clar'd Illegitimate, the former Act of Succeſſion was  
 repeal'd, and the Crown eſtabliſh'd on the Iſſue of  
 Queen Jane whether Male or Female, or the Kings Iſſue  
 by any other Wife, but ſince it was not fit ſayes the  
 Act, to declare to whom the Succeſſion belong'd after  
 the Kings Death, in Caſe he wanted Iſſue, they gave  
 him full Power to declare the Succeſſion, either by his  
 Letters Patents under the Great Seal, or by his laſt  
 Will ſign'd with his Hand, and promis'd all faithfull  
 Obedience to the Perſons nam'd by him. And if any  
 ſo deſign'd to Succeed in Default of others, ſhould in-  
 deavout to Uſurp upon thoſe before them, or to exclude  
 them, they are declared Traytors, and were to for-  
 feit all the Right they might thereafter claim to the  
 Crown, and ſuch as maintain'd the Legitimacy of the  
 Iſſue



Issue by the former Marriages, or refus'd to swear to the Kings Issue by Queen Jane were declared Traytors. This Act was made in the 28th. of his Reign.

Dr. Burnet in his History of the Reformation, part I. p. 211. Says many did much question the validity of this Act. And the Scots particularly said it was not in the Parliament's Power to settle the Succession thus, because it was contrary to the Intail made by the Parliament of Henry 7. and to the Articles of Marriage, betwixt their King and the Lady Margaret eldest Daughter to Henry 7. by which the Crown was to descend to her and her Issue, upon the failure of the Male Issue of Henry 7. & their Posterity.

However, this Act empower'd the King to settle the Crown upon his Children, whom by the former Acts he had declar'd Illegitimate. This brought them to an absolute Dependance upon him, since he neither made them desperate, nor gave them any further Right, than what they were to derive from his own Will and Pleasure. It likewise pacify'd the Emperor, who now perceiv'd that his Kinswoman Mary was made capable of the Succession;

In 1544. which was the 35th. Year of Henry 8. another Act of Succession was made, wherein the Parliament takes Notice of the great and high Trust, which the subjects had in him, by putting into his Hands wholly, the Order and Declaration of the Succession, yet the King being now to pass the Seas, to make War upon his Ancient Enemy the French King, and being desirous to settle the Succession to the Crown, it is enacted, that in Default of Heirs of Prince Edward's Body, or of Heirs by the King's present Marriage. The Crown shall go to the Lady Mary, the King's eldest Daughter, and in Default of Heirs of her Body, or if she do not observe such Limitations, or Conditions, as shall be declared by the King's Letters Patents, under his great Seal, or by his last Will under his Hand, it shall next fall to the Lady Elizabeth & her Heirs, or if she have

none, or shall not keep the Conditions declar'd by the King, it shall fall to any other that shall be declared by the Kings Letters Patents, or his last Will, sign'd with his Hand. Then an Oath was enjoyn'd, for maintaining the Succession according to this Act, and whoever refus'd it, or, by the Word or Writing said any Thing contrary to this Act, or to the Perill and Slander of the King's Heirs limited in it, were to be adjudg'd Traytors.

This was done; no Döubt, says Dr. Burnet, p. 329. Upon a secret Article of the Treaty with the Emperor, and did put new Life into the Popish party, all whose Hopes depended on the Lady Mary. It is with the same View to be sure, and by the Instigation of the same Popish Party, that our Authors & others have talk'd & writ so much, like visionary Traytors, of getting an Act for settling the Succession by Will contrary to the present Establishmet.

But before we come to the last Testament of Henry 8. upon which they insist so much, as a fit Precedent for their Purpose, we must take Notice of the following Observations, which arise naturally from this Part of his History.

1. It is evident, that he had no Notion of his own Power, to settle the Succession by Will without the Consent of Parliament, otherwise, he would never have requir'd it & much lesse have submitted to their confirming his Title after 24 years Possession. This could not proceed from his Ignorance of the Constitution, for, he was a very Learn'd Prince, as Learning then went in the World; nor were those about him Ignorant of what was to be found, in old Historys and Records, as may be seen by his Declarations of War against Scotland, and the Debates betwixt him and the Pope about the Supremacy &c. So that had there been any Precedent for his bequeathing the Crown, without Consent of Parliament, it would certainly have been produc'd.

2. It

2. It is as evident, that the Parliament allow'd no such Prerogative, since in the Act last mention'd, they tell him, it was a great and a high Trust, which they put into his Hands.

3. It is not to be deny'd, that he again & again own'd the Power of the Parliament in settling the Succession, & had Recourse to them at every Turn, for concurring with him, in making contrary Settlements, which he would never have done, since it expos'd his Reputation and safety so much, could he have settled it privately by Will.

4. It is plain, that he and his Parliaments look'd upon themselves, as invested with full Power to set aside, a whole Race of Princes, that were next in Blood, as the Scots Line certainly was. Our Authors may remember, that they Justify King Henry for doing so, because his Nephew the King of Scots, would not Listen to his Advice, but took part with his Enemy. To this they might have added, for it is every whit as plain from History, that one very great Reason, why he set the Scots Line aside was, their being in the Interest of France & Rome, and Enemy to the Imperfect Reformation which he had begun, for he only threw off the Court, but not Church of Rome.

Certainly the Reasons are much stronger on our Side, for excluding the Popish Line, who are, & must be absolute Vassals of France, (the Hereditary Enemy of our Countrey) and are by their principles Irreconcilable Enemy to our Religion, sworn to endeavour our Extirpation, unless we turn Papists, & obliged to subject themselves & their Countrey in Affairs of Religion, conferring of Bishopricks &c. to the supremacy of Rome, which is in plain English, to be Vassals to the Pope & France, instead of being sovereign of Great Britain.

I must likewise tell our Faction, that they are greater Enemy to the Power of Parliament in settling & limiting the Succession, than the most Bigoted Papists.



in the Time of Henry 8. or any precedeing Reign. For here we see, this Hereditary King, and his Parliaments agree, not only to exclude those who had the Title by Priority of Birth, from enjoying the Crown, but likewise declare them Traytors, & make them lyable to the Penaltys of High-Treason, if they did any Thing contrary to the Acts establishing the Succession, or broke in upon the Limitations therein contain'd. Then since Henry 8. layd such Restrictions upon his own Children, with what Face cany Protestant quarrel with the Acts, for Attainting the St. German's Pretender, & excluding the Popish Line.

After having so plainly prov'd the sense of this great Prince, as to the Power of Parliaments, in settling the Succession, particular Justances, may be thought needless; but there are two so very remarkable in this Reign that I cannot pass them by. The first is that of Sr. Tho: Moor, he was allow'd by every one to be a great Man, and having been Lord Chancellor of England, did certainly understand the Constitution. Yet he offer'd willingly to swear to the Act of Succession, which excluded the Lady Mary, had it not been, that the same Act settled the Ecclesiasticall Supremacy on the King, which Sr. Tho: in Conscience could not comply with. The Reason he gave was, that, the Parliament had certainly a Power to settle the Succession of the Crown, and to make or depose a King, but not to determine the Supremacy of the Church, and he offerd to purge himself upon Oath, that it was purely out of Conscience, & not out of light Phantacy or Obstinacy, that he refus'd. The Lord Herbert tells us that Mr. Rich, then Solicitor for the King, & afterwards made Lord Rich, argu'd with Sr. Tho: in order to bring him to Reason. Mr. Rich agree'd with him about the Parliaments Power to make & depose Kings, and from thence infer'd, that they had as great a Power to vest the Sovereign with a Supremacy over Church-Men. By this it appears, how much the Doctrine of the Court did then differ

differ from that of our Authors & those who employ'd them.

The other Instance, was that of Bp Fisher then made a Cardinal He offerd to take the Oath, in the same Manner as Sr. Tho: had done, but it was not accepted, so that they both fell Victims to the Popes Supremacy. The Reader may find a more particular Account of this in Dr. Burnet's History of the Reformation Vol. 1. p. 155. & 355.

One would think, the Judgment of Hen. VIII. and his Popish Parliaments, with that of a Popish Lord Chancellor & Cardinal who were so Conscientious in their Way that they lay'd down their Lives for the Popes supremacy, should have more Weight about the Parliaments Power in settling the Succession, than that of the Papists now a Dayes, and such Protestants as our Authors and their Directors, who have plainly discoverd by their Performance, that they are meer Novices in our Constitution, tho they pretend to teach it to Others.

*An Account of Henry 8<sup>ths</sup>. Will.*

We come Next to Hen: 8s. Will, by which it is pretended he excluded the Scots Line & upon Failure of his own Issue Setted the Succession, on that of the Lady Frances, Youngest Daughter to King Hen: 7<sup>th</sup>. That the Parliament gave him Power to name his Successor by Will is not denyd; but that he ever executed this Will, is the Point in Debate. Our Authors contend for it p. 186 &c. As if some very great Matter depended upon it. They quote Extracts of Edward the 6<sup>ths</sup>. Council-Books, to prove the Will to be good, and make such a Parade with them, as if there were no resisting the Force of their Evidence, tho there is not one Word in them to prove, that ever Hen: VIII. executed the Will. The Summ of all is no more than this, That the Great Men at Court, look'd upon the Will to be good, which is no Wonder, Since they themselves contriv'd it. This may serve for

an Answer to their other Grand Argument, That those who were nam'd in it to be Executors perform'd it as far as they could. They had very Good Reason Since the Will was their own. It is not doubted that such a Will was writt by the Kings Order, but untill they can prove that it was executed, by Himself, according to the Act of Parliament, they say Nothing.

Besides, our Authors in this, as in many other Cases, are so unhappy as to contradict themselves, and afford us Arguments enough to destroy all they advance. For, p. 195. They quote Bishop Lesly's Defence of the Right of Mary Queen of Scots, both in English and Latin, and they own p. 221. That Queen Eliza: permitted the Bishop of Ross who is the very same Man, to publish the Vindication of the Rights of his Queen. Camden in his Life of Eliza: Sayes, this Bishop was assisted in his Work by Sr. Anthony Brown, Lord. Ch: Justice of the Common Plea's, & one Caryl an eminent Lawyer. Having thus establish'd the Authority of Bishop Lesly's Defence, from our Authors own Vouchers; we shall next consider what the Bishop says, against this pretended Will, He tells us say our Authors " That King Henry never sign'd it with  
 " his own Hand, That good and able Witnesses Justify'd  
 " from their own certain Knowledg that only the stamp  
 " was put to the said Will, and that, not till the King  
 " was dead or dying, & had not the use of his Memory.  
 " That the Lord Paget one of Queen Mary's Privy Council, of his own free Will, and Godly Motion, for the  
 " Honour of the Realm, and out of Respect to Truth &  
 " Justice, tho he himself was guilty of the Fact and in  
 " a Manner forc'd to it by Great Authority, was the person who discover'd this Matter, First to the Privy Council, and then before the Parliament. That Sr. Edward  
 " Montague Lord Ch. Justice, who was present at the  
 " said Doings, did also confess the same, before the  
 " Council & Parliament. And That William Clark one  
 " of the pretended Witnesses, did likewise confess the  
 " same, and that he himself put the Stamp to the Will,  
 " &c



" & afterwards, obtain'd his Pardon for it. The Bishop  
 " adds, that upon these Depositions, Queen Mary with  
 " the Advice of her Council caus'd the Record of the said  
 " forg'd Will remaining in Chancery to be cancell'd, and  
 " abo'lish'd, as not worthy to remain among the true  
 " Records.

Maitland of Lethington Secretary to Mary Queen of  
 Scots, says much the same, in his Letter to Sr. William  
 Cecil Secretary to Queen Eliza: which is at large in Dr. Bur-  
 nets' History of the Reformation Part 1. Collect. p. 267.  
 There Maitland, takes Notice, " of the Contract of  
 " Marriage, betwixt James the 4<sup>th</sup>. of Scotland, Grand  
 " father to Mary Queen of Scots, and Lady Margaret  
 " eldest Daughter to Henry the 7<sup>th</sup>. of England, from  
 " whom the Title was devolv'd on her Grand Daughter  
 " Mary of Scotland, and that Hen. the 7<sup>th</sup>s. Design in it  
 " was well enough known by the Chronicles and Histo-  
 " ry's of that Time, & particularly by Polidore Virgil's,  
 " [He means, that Hen. marry'd his eldest Daughter to  
 " the King of Scots, because if his own Male Issue faild,  
 " he knew it would annex Scotland to England, whereas,  
 " had he marry'd her to the French King, it would An-  
 " nex England to France] Maitland adds, that it was  
 " unjust to disinherit a Race of Forreign Princes of their  
 " Maternal Right, by a Municipal Statute without calling  
 " them, or any for them to answer. And then he ob-  
 " jects against the Will, as not duly executed, according  
 " to the Act. To prove this, he appeals to Cecil, that  
 " he knew Hen. VIII. long before his Death, never used  
 " to sign with his own Hand, and that during the Time  
 " of his sickness, tho' diverse Times press'd to sign the  
 " Will, he refus'd to do it, for it seem'd God would  
 " not suffer him to proceed in an Act so Injurious to the  
 " Right Heir of the Crown. Then his Death approa-  
 " ching, some, as well known to Cecil as to him, caus'd  
 " William Clark servant to Thomas Heneage to sign the  
 " supposed Will with a Stamp, (for otherwise sign'd it  
 " was never) and yet notwithstanding, some, respecting

" more the Satisfaction of their Ambition, and others  
 " their private Commodity, than Just & Upright Dealing,  
 " procur'd diverse honest Gentlemen attending in several  
 " Rooms about the King's Person, to testify by their Hand  
 " Writings, the Contents of the said pretended Will,  
 " surmis'd to be sign'd with the Kings own Hand. To  
 " prove this Forgery, sayes Maitland, I referr you to  
 " such Tyrals as be yet left, first the Attestation of the  
 " late Lord Paget, publish'd in Parliament, in Queen  
 " Mary's Time, for the Restitution of the Duke of Nor-  
 " folk, then he prayd in his sovereigns Behalf, that De-  
 " positions might be taken in this Matter, from the Mar-  
 " quiss of Winchester, Lord Treasuer, the Marquiss of  
 " Northampton, the Earl of Pembroke, Sr. William  
 " Peter, Sr. Henry Nevil, Sr. Maurice Berkley; Dr.  
 " Butts &c. And that their Attestations might be inrol'd  
 " in Chancery, and in the Arches, in perpetuam Rei.  
 " Memoriam. This Letter is dated from Strivling the  
 " 14<sup>th</sup>. of Januar. 1566.

Our Authors finding it would be very difficult to An-  
 swer such Proofs of the Forgery, have Recourse to Ex-  
 tracts from Edward the sixths' Council Books as above,  
 but being Sensible there was nothing positive there, to  
 prove the Will's being sign'd by the King, their next  
 Refuge is to the Quality, and Credibility of the Witnes-  
 ses, but that is not to be lay'd in the Ballance, with the  
 Quality & Credit of the Evidence that prov'd the Forgery  
 both in Council and Parliament, from their own Personal  
 Knowledge, viz. The two Lord Ch: Justices & the Lord  
 Paget, nor could any Evidence be more material than  
 that of Clark, who swore that he himself put the Stamp  
 to the Will. Besides our Authors have forgot, that they  
 own Sr. Anthony Brown Lord Ch. Justice of the Common  
 pleas assisted the Bishop of Ross, in the Account he wrote  
 of the Forgery, & that Sr. Anthony was privy to the  
 Will, and all the Transactions about it, is evident from  
 Dr. Burnet's Hist. Reform. Part i. p. 349.

The last shift that our Authors can make, is to say,  
 that

that Nothing of this Appears in the Books of Council and Parliament. We have only their Word for this, but admitting it to be so, this does not prove, that these Things were not recorded in both those Books, and tho they don't now appear, we are not to wonder at it. The old Enmity & fresh Quarrels betwixt the two Nations, and the Interest of the House of Suffolk, & other Enemies of the Scots Line, is sufficient to account for that.

But can any Man of Sense believe, that Queen Eliza: would have permitted the Bishop of Ross to publish such an Account of the Forgery, or that the Lord Ch. Justice Brown, would have assisted him with Materials, had not the Fact been uncontrovertible. The Bishop of Ross was a Man of too great Quality and Sense to have expos'd his Character, and the Cause of his sovereign, by appealing to such open Proceedings in Council & Parliament, when there were so many Witnesses alive that could have disprov'd them, had they been false. Nor durst he to have writ thus without the Order of his Queen & her Council, who would never have ventur'd on any such thing, had they not been sure of it. The same is to be said for Secretary Maitlands Letter, to Secretary Cecil. Our Authors have no way to avoid, the Force of the last, but to alledge p. 200. That Secretary Maitland was so much despis'd by Queen Eliza: & the Court, that they did not think him worthy of a Confutation. A Plea so weak that none but such as had drown'd their Senses in French Claret, and have Nothing but Confusion in their Intellects & Schemes, could have broach'd. For, besides, the Dignity of his Post, he was Nothing Inferior for Parts & Equal in Quality to Cecil himself, being Ancestor to the present Family of Lauderdale. But, had there been Nothing in that, his Mistress was no such Contemptible Person, being Sovereign of Scotland, Dowager of France, and Next Heiress to Queen Eliza: upon which Account, the Greatest Monarchs in Europe did Court her Alliance. Therefore if no Answer was return'd to Maitland's Letter, it was because they knew it Im-

possi-



possible, otherwise so many Great Persons, as were concern'd in this Forgery, would never have Suffer'd such a Stain to ly upon themselves & their Countrey, had it been possible to wipe it off. Besides, our Authors have the Misfortune to contradict themselves again in this Matter, for, they say, p. 210. from Camden, "that Queen Eliza: Soon after her Accession to the Crown, came to this Resolution, with the Scots Ambassadour, that if his Queen would abstain from using the English Arms, and Titles during Queen Elizabeths Life, she would oblige her self and her Children, if she had any, to do Nothing in prejudice to the Queen of Scots's Succession, and took God to Witnesse that she knew none she would prefer to her, or if the Title should happen to be controverted, might exclude her. Our Authors likewise quote Spotswords History of the Church of Scotland for these Passages, and then adde, these were early Significations of her Good will towards the Scots Family in the Beginning of her Reign.

Buchanan in his Life of Queen Mary gives us a more perfect Account of this Conference betwixt Queen Elizabeth and the Scots Ambassador, the Queen told him, "That tho his Mistesse had provok'd her by assumeing her Title and Arms, she had done Nothing against the Title she had to succeed her, if she had no Issue of her own. But what ever her Title was she never thought fit to enquire much into it, & left that Matter to them whose Business it was to Determin it. You know, sayes she, to the Ambassador, who they are that set up for Competitors against her, but what can those poor Wretches do? where have they Mony or strength to attempt so great a Thing (meaning the Duke of Suffolks Daughters) adding, that she had alwayes avoided any Thing that might give Occasion to debate the Right of Succession, becaule there had been so much Controversy about Just Marriages, Bastards, & Legitimate Children, according as each Party Stood affected, & that this was the Reason, why

" she

" she had so long delay'd Marrying, but that when she  
 " came to the Crown, she Marry'd the Kingdom of  
 " which she wore that Ring on her Finger, as a Pledge,  
 " but however these Things were, she would be Queen  
 " of England so long as she liv'd, & when she dy'd, let  
 " them who had the best Right Succeed: If it was his  
 " Queen, she would do Nothing to her Prejudice, but  
 " if any other had a better Title, it was unjust to demand  
 " of her, that she should Injure them. If there be any  
 " Law against your Queen sayes she, it is unknown to  
 " me, because I don't care to make a Nice Inquiry into that  
 " Matter, but if there be, when I enter'd upon the  
 " Kingdom, I swore to my subjects that I would not  
 " change their Laws. The Conclusion was, that Ambaf-  
 " sadors should meet on both sides to draw up a Treaty to  
 " this Purpose, that the Queen of Scots, should abstain  
 " from using the Royal Arms & Titles of England; so  
 " long as Queen Eliza: or any of her Children liv'd, & that  
 " on the other Hand, she & her Posterity should do  
 " Nothing, that might hurt or lessen the Queen of Scots  
 " Right of Succession.

Our Authors by their last mention'd Paragraph, are  
 guilty of two Gross Contradictions, first as to Maitland's  
 being so much contemn'd, that he was thought unwor-  
 thy of a Confutation, for he was the very Ambassador  
 with whom Queen Elizabeth came to this Agreement.  
 Their second Contradiction is, that p. 201. They said  
 Queen Elizabeth & her Ministers thought it a Piece of Wis-  
 dom for many Years of her Reign, to conceal her Reso-  
 lutions about her Successor, whereas here they tell us,  
 that she gave early significations of her good Will towards  
 the Scots Family in the Beginning of her Reign.

Their next Impregnable Fort, as they think, is Hales's  
 Piece Intitl'd *his Declaration for the Succession in Favour of*  
*the House of Suffolk* wherein he labours to prove the Will  
 of Henry 8. and to remove the Objections against the Le-  
 gitimacy of the Branches of the House of Suffolk from  
 Henry 7. younger Daughter. But here again they are as  
 Un-

Unhappy as before; and tell us p. 211. from Cambden; that Queen Elizabeth was so far from giving any Countenance, to the Pretensions of the House of Suffolk, that Hale was imprison'd by her Order, for writing this Piece, that Sr. Nicholas Bacon Lord Keeper who was suppos'd to have assist'd him in it, was long out of Favour upon that Account, & that Soon after, Mr. Thornton Law Reader of Lincolns Inne, was taken into Custody for arguing against the Right of the Scots Queen. This is another evident Proof of our Authors contradicting themselves, in saying that Secretary Maitlands Letter was so much despis'd as not to deserve an Answer, for in his Letter he complains of that very Book of Hales as our Authors own p. 205. and likewise of those Disputes in Lincolns Inne. This shews how little Regard is to be had to the Authority of Hale which our Authors rely so much upon in Opposition to the Bpp of Sarum p. 202. & 203. His Lop. says no more in Effect about the Illegitimacy of the Duke of Suffolks Issue by the Queen Dowager of France than what Secretary Maitland urges in his Letter after he had Seen Hales Book. Thus I have prov'd that Maitland was a Man of too great Quality and Figure, to insist on such things as he could not prove against Hale, and what he says is sufficiently confirm'd by Queen Elizabeths imprisoning that Author for his pains. She was much too powerfull for Mary Queen of Scots especially as the Latter was then stated with her Protestant Subjects the Bulk of the Nation, who depended chiefly on Queen Elizabeths Support, to have done this Meerly cut of Compliment to Queen Mary, had she not been Satisfy'd that what Maitland said in his Letter was true.

This is more than enough to disprove all that our Authors have said as to Henry 8ths. Will being duely executed, and to cut off all Pretensions of the Descendants of the house of Suffolk in Prejudice of King James 1sts. Line; But since our Authors have Labour'd that Point so much, and Value themselves so highly upon it, as having



ving publish'd Anecdotes of such Importance. We shall further consider what is said in behalf of King James's Line against the Legittimacy of the Branches of the House of Suffolk from the Queen Dowager of France, &c.

Secretary Maitland in his Letter takes Notice of the Poligamy of Charles Brandon Duke of Suffolk the Vitiated and Chandestine Contract betwixt the Earl of Hertford and the Lady Catharine, without any witnesse of their Lawful Matrimony, tho that Ladys Title was set up in Opposition to Mary Queen of Scots, & Maitland likewise takes notice of the Like Vitiated Contract betwixt Mr. Key and the Lady Mary Sister to the said Lady Catherine.

The Bpp of Sarum is more plain. Hist. Reformation part II. p. 176. he says, he had Seen many Lettters & writings of that Time, Declaring all the Duke of Suffolks Issue with the Queen Dowager of France illegitimate, since he was married to one Mortimer before he marry'd the Queen Dowager, that Mortimer liv'd long after this Marriage and that it was not clear that ever the Duke had been divorc'd from the said Mortimer. It seems very odd that in all this Historical Debate a Mortimer ever now and then steps in to cofound the Titles of all Pretenders.

Let's now see what our Authors say in Answer to this Objection, they alledg. p. 202. the Improbability of Henry 8ths. consenting to such an Exceptionable Match for his Sister, but they have forgot that he made Several as exceptionable ones for himself, which may Sufficiently abate our Wonder that he took no more Care of his Sister. Besides he had three Children of his own, so that the more exceptionable the Match of his Sister was, the more secure would be the Title of his own Posterity, nor was he such a Novice in Politicks as not to foresee this, as is plain from his Endeavours to exclude the Scots Line.

Their next Argument is from Hale's Account of that Matter, but we have seen already how little his Authority

rity is to be depended on. Yet we shall consider what he says as our Authors represent it. p. 204. viz that the D. of Suffolk was married to the Lady Mortimer but divorced from her upon proof of a Precontract with Mrs. Anne Brown, by whom he had a Daughter afterwards married to the Lord Powis, so that heres not only a Proof of a Precontract, but a Sufficient one of Consummation. Hale adds that the Duke upon his Divorce from Mortimer, married the said Brown, and that after her Death he Married the Dowager of France, but he does not tell us that Mortimer was then dead, or Married to any other, so that his Precontract with her was as plain as that with Mrs. Brown, & as effectual to make Void his Marriage with the Dowager of France, as Browns was to make Void that with Mortimer, and that this was the Case is pretty evident from what our Authors own, that the Lady Powis Daughter to the D. by Mrs. Brown lookd upon her Father's. Issue by the Dowager of France to be Illegitimate, from all which tis plain that Secretary Mairland and the Lord Bpp of Sarum had very good Ground for what they said, of the Illegitimacy of the Duke of Suffolks Posterity by the Dowager of France.

We come next to the Legitimacy of the Match betwixt the Earl of Hertford & the Dukes Eldest Daughter by the Dowager, for which our Authors have nothing to alledge but the baffled Testimony of Hale p. 207. and a very questionable one of Sr. William Dugdales in his Baronage of England. Sr. Williams Character is well enough known, and besides what is to be objected to his principles, he did not publish his Book till towards the Latter End of Charles II. So that he came much too late to be an Evidence in this Case, & every one knows that he inserted such Accounts as Familys gave of themselves. But we have a much stronger Testimony which overturns all that he sayes, and that is the Evidence of Camden in his Elizabeth quoted by our Authors. p. 207. viz. That the Earl of Hertford was in the Beginning of Queen Elizabeths Reign requir'd

to prove his Marriage with the Lady Catherine ; but could not, on which the Arch Bpp of Canterbury declar'd their Marriage Null. So that here we have a Sentence Judicially pronounc'd by the proper Judge in a Legall Way , against the Validity of this Marriage , besides the Testimony of the Chief Herauld of England who liv'd in the Time , & whose proper Business it was to inform himself of such Matters from the best Vouchers , & better he could not have , than the Records of the Arch-Bishops Court where the Judgment was giv'n.

Our Authors own, *ibid* , that Henry VIII's. Will was not prov'd in the spiritual Court , but excuse it, by saying it was not usual to prove Royal Wills there. This must be left to the Gentlemen of Doctors Commons , whose Opinion our Authors ought to have quoted , since their own bears no Authority. We have certainly very good Reason to say , that this Will being of an extraordinary Nature , since it excluded a whole Race of Princes that were next in Blood to the Kings own Issue , it ought to have had all the Proof that Men could think on , & since that was omitted , it is a strong Presumption , they could not get the Witnesses to swear to it thorowly. They knew Arch Bpp Cranmer , to be a very Conscientious Judge , & a Strict Observer of the Law , & since the Parliament had been so very particular in appointing the Manner how this Will should be executed , they knew , that he would have Cross Examind the Witnesses very strictly , and that there was no imposing upon him , who knew the Kings stamp & Hand Writing so very well , that no Man durst have offer'd a Counterfeit to him. It is so much the more suspicious , that he was not present when the Will was pretended to be made , but at his House in Croyden , whither he had retir'd , because he was not pleas'd with the Proceedings of the Court , as Dr. Burnet tells us *Hist. Reform.* part I p. 350. and the King did not send for him , till he found his spirits decaying



apace, so that he was speechless before the Arch Bishop came. His Grace did likewise stay from Parliament, because he could not approve their Proceedings against the Duke of Norfolk, who escap'd the sentence, because it appear'd that the Commission for giving the Royal Assent to the Act of Attainder against him was not sign'd with the Kings own Hand, his stamp being only set to it, & that not to the upper, but the Nether Part of it, contrary to the Kings Custom, as is Asserted by the 34th. Act of the first Parliament of Queen Mary, which reverses the Dukes Attainder.

This is more than enough to answer all the trifling Arguments which our Authors bring to prove that the Kings Stamp was of Equal Validity with his Manual Subscription, for if the Parliament did not think it so in the Attainder of a single Peer, much less would they approve it in a Will of this Importance which excluded the whole Scottish Line contrary to the Act of Intail by Henry 7. and the Articles of Marriage betwixt James the 4th. of Scotland, & his Eldest Daughter, especially since Henry VIII's. Manual Subscription to his Will for Conveying the Crown was expressly requir'd by Act of Parliament.

The last Refuge of our Authors, is to the Original Will it self, which by Hear-say tell us is in the Chapter House of Westminster Abby among the Records of the Exchequer, but own they never saw it, only from the Relation of other's, they inform us that it appears to be sign'd by the trembling Hand of a Dying Man. They ought to know, that such Evidence as this would not be accepted by any Court in Christendom, especially in a Matter of such Weight, as the Conveyance of a Crown, & the Exclusion of a whole Royal Line that was next in Blood. But what Reason can they give us, that the King whose spirits were sunk, was able to sign this Will twice with his own Hand, when he could not at the same Time sign the Commission for giving the Royal Assent to the Duke of Norfolks Attainder, and

and other Acts then ready to be pass'd. And why should not the same Evidence, which was accepted by Parliament to prove that he did not sign the Commission for Attainting the Duke, be accepted to prove that he did not sign the Will for excluding the Scots Line since it was given in the same Place and by the same Persons, as Dr. Burnet informs us Hist. Reform. part I. p. 347. & 348.

But to Satisfy these Gentlemen further, if possible, I can tell them, that when this Project of a Testamentary Disposition according to that Pattern, was talk'd of by the Faction about a twelve Month ago, I went with two other Gentlemen to the Chapter House above mention'd, on Purpose to See the Will. I found it to consist of Several Sheets of Soft coarse Poper, tack'd together with a Braid of green & white Ribbon, the writing of a mean & Slovenly Character. The Will sign'd on the Top of the first, and the End of the last Page with the Kings pretended Hand-writing, but the Character fairer than ever he could make. It is also to be observ'd, that about a Year and a half before his Death, he sign'd all Instruments of State with a Stamp imitating his Hand-writing. We compar'd his Name on the Will with his Stamp & his usual Hand-writing, which one of the Gentlemen brought with him in undoubted Records, & found it Agreed with Neither. It is so far from resembling the trembling Hand of a Dying Man, that it is very stiff like that of one who would counterfeit the Hand of Another, lay'd before him, only theres a Seratch which Seems to be made on Purpose to countenance such a Plea as our Authors have made, because those concern'd in the Forgery knew very well what was requir'd by the Act of Parliament, & that the Matter in all Probability would be Nicely enquir'd into by the Royal Line of Scotland, because of the Clause, which utterly disinherits them; with a Non obstante, to any Act of Parliament to the Contrary. It is seal'd with his Pocket seal, on Soft Wax appended

to the Ribbon which tacks the sheets together. Upon the whole there is Reason to conclude, that this stamp was cut on Purpose to resemble the Kings Hand as well as they could in such Circumstances as he then was, which agrees very well with the Depositions in Parliament, mention'd by Secretary Maitland, & the Bishop of Ross.

We may Justly wonder, why our Authors, & those who employ'd them have taken so much Pains in this Matter, which as the Case now Stands, can signify Nothing, for they themselves tell us, Append. p. 26. That Queen Eliza: did not claim by her Fathers Will, but by the Statute, a very plain Proof that she thought it of no Validity, otherwise she would have claim'd by that, as well as by the Statute for she knew both her Title and Legitimacy to be controverted by the Courts of France and Rome & therefore would have refus'd no Help to answer the Objection. That Queen Mary had as little Regard to the Will, & claim'd also by the Statute, is evident from the first Act of her Reign, by which she repeal'd her Fathers Statute, that declar'd her Mothers Marriage Unlawfull & her self Illegitimate, so that we have the Evidence of both the Royal Daughters against the Validity of their Fathers Will.

We have Reason then to conclude, that our Authors, and those who Employ'd them, must have some very strange & uncommon View, when they insist so much upon this baffled Argument, & that ther's something else in it than what appears at first, by the Title of their Book, & many of their Arguments. For tho' they seem to pay an extraordinary Compliment to the St. Germans Pretender, because he has a strong Party form'd in the Island, & Forreign Powers ready to Support him, this cannot be the only Design, of those who Employ'd these Authors, nor does it seem to be their Main One as they have manag'd the Argument. For it appears to a Demonstration, that they have an inveterate Malice against the Person & Line of King James the 1st on which the Pretender founds his Claim.

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This is evident from their own Performance for p. 208. They offer Arguments to Justify Hen. 8. for setting aside the Scots Line. p. 209. They say they will not commend Queen Eliza: for Violating the Laws of her Countrey in disposing of the Succession contrary to her Fathers Will. P. 210. They charge her with a manifest Contempt of Acts of Parliament, by which she & her Sister Mary in some Measure deriv'd their Right to the Crown, Their Malice against the Person of King James the 1st. Appears from p. 211. where they charge him with continuing in the Popish Perswasion, & make Q: Eliza: say to him that while he did so, he must not hope for her Friendship. This is an Anecdote with a Witness, for No body ever said before, that King James the 1st. did at any Time profess himself a Papist, the contrary is known to all the World, by his Education, his Conduct & his Writings. Our Authors as is usual with them in other Cases, do here again contradict themselves, for they own in the very same page, that his Mother wrote Letters to him wherein she says, that tho she was of another Religion, than that wherein he was brought up, she would not press him to change, except his Conscience forc'd him to it, not doubting, but if he led a good Life & Govern'd well & Justly, he would be in a good Case in his own Religion.

This is therefore a Reflection upon King James the 1st. which her Majesty & all his other Protestant Offspring ought to resent, as proceeding from an Irreconcilable Hatred to that Prince and his Line, and as contrary to Truth as it is to Loyalty.

But our Authors don't stop here, for they & their Directors do not only attack that Prince's Title by his Mother, but also that by his Father Henry Stuart Lord Darnley, who next to Mary Queen of Scots, & Queen Eliza: was the nearest Heir to Henry VIII. and accordingly entertain'd at Queen Elizabeth's Court, as the first Prince of the Blood. He was son to Matthew Stuart Earl of Lenox, by Lady Margaret Douglas, who was Daughter to the Lady Margaret Daughter to Henry VII. who mar-

ry'd Archbald Douglas Earl of Angus, after the Death of her first Husband, James the IV. of Scotland. But these Gentlemen & their Directors, to shew their Abundant Respect to the Scots Royal Line, as they set up the Title of Suffolk against K. James's Mother, they are likewise at a great deal of Pains to set aside the Title of his Father, by alledging a Precontract betwixt the Earl of Angus & another Lady, to invalidate the Marriage, betwixt that Earl & the Lady Margaret Dowager of Scotland, & Daughter to Henry VII.

Nothing can more demonstrate their Malice, against King James & his Line, than their proposing the Will of Henry VIII. which was made on Purpose to exclude it, as a Pattern fit for her Majesty's Imitation. What in Nature can they propose more scandalous & Treasonable, than that Unhallow'd Practice to which Hen. VIII. was prompted by his Impetuous Lust, & changeable Amours, which induced him to make a Complement of the Succession to every New Mistress he fancy'd, yet this is the Model offer'd by these Traytors to exclude her Royal Highness the Electress Dowager of Hanover, Grand Daughter to King James Ist. and her Posterity, so that the Nearer any one is in Blood to that Prince, the more our Authors & those who Employ'd them, belch out their Malice & Scandal against them. One would think that so traiterous a Libel against her Majesty & her Ancestors, as well as against all the Branches of the Scots Line, especially such as are Protestant, should be resented to the utmost by those who serve her Majesty.

This is enough to prove that a Complement to the St. Germans Pretender, can't be the only, nor indeed the chief View of our Authors, & those who Employ'd them. They seem strenuously to Assert the Title of the House of Suffolk, but have rais'd such Objections against it as they themselves, nor No body else can answer, so that the Judicious Reader will easily perceive, their Directors must have, something else in View than the Title of that Family, They have taken a great Deal of Care its' true,

to give us a large Catalogue of their Descendants, p. 203; but this must be done on Purpose to flatter them, to Countenance the Lurking Claimant whenever he thinks fit to Appear, & to raise so many more Enemys to the House of Hanover, It would indeed be unjust to suppose those Noble Famly's to be so weak, as to entertain any such Thought. But who over he be, that stood behind the Curtain, and directed what these Authors should write he seems as Justly entitled to be nam'd King of Folly, as old Mortimer, the Adulterous Gallant of Edward the 11<sup>th</sup>s. Queen.

It remains then to consider a little attentively what particular Title the Directors of these Gentlemen have inculcated most in the Book, & according to their Management have made the least disputable. I think upon full Consideration it will appear, That the Title they have labour'd most to establish, by pretended Arguments from Divine Right, Law Cases, Judgments of the House of Lords, & Acts of Parliament, is that of Edmund Mortimer Earl of March, and his Descendants, till the controverted Marriage of Edward IV. So that we must travel as high as that Age, & search the Books of our Heralds for the Legittimate Descendants of Earl Edmund, to find out the Divine Indefeasible & Hereditary Prince, that our Authors & their Directors would fain point out to us.

It may afford some Light into this Important secret if we can find who pretends a Birth Right to the Capital Lordships, Mansions, & Ancient Honours of that Family, and ever since he was a Boy at school has had the Vanity to boast of his being their true Descendant. The Preambles of some Patents, may help us a little perhaps in this doubtfull Case, and if it can be found, whether any Body pay'd, or orderd to be pay'd, a considerable sum, for an Exemplify'd Coppy of Henry VIII<sup>th</sup>s. Will, & help'd our Authors to Coppys of the Council Books, Journals of the House of Lords, & other Records, with Manuscripts from private Librarys &c. it may lead us into the dark Recesses of this perplex'd Labyrinth: And when the Right Heir is thus found, those who have a Mind to



it, may go & pay Homage to their true King, as the swarms of Bees are said to do to theirs, but he had best take Care that he don't prove a Drone or the Issue of some Byblow for the Fate of such is to be expell'd with Disgrace.

If any object that my Reflections are inconsistent, they must blame the Authors of Hereditary Right, I must strike the Ball as they lay it before me; Inconsistent Arguments must have suitable Replis, and they who write with double Views must be answer'd accordingly. It is plain the chief Director, of this Work, has done his best to confound all the Titles to the Crown of Great Britain for some hundreds of Years, & perhaps with a View, that if he can set us together by the Ears about it, he may have an Opportunity to set up for himself, for thô most of the Arguments seem to be calculated in the Beginning of the Book for the St. Germans Pretender, Yet those in the Middle & Conclusion, Center in the Descendants of Edmund Earl of Mortimer & March. That the chief Manager has a Design to Bubble if he can both the St. Germans Pretender and the House of Hanover, I take to be evident from the furious Charge we have Just now heard, upon the Scots Royal Line: and that there's some hidden Pretender in View, seems to be very plain, from the Knavish Reserve in the 15 page of the Appendix, " That if there be a Right Heir of the Crown, who claims, " or else would claim, but that he wants either Notice " of his Right & Title, or Power to make it good, or " forbears to claim for other sufficient Reasons, here " Prescription signifies Nothing. This seems to be calculated for some Mushroom Pretender, whose Claim was never yet dream'd of by any, but those who are in the Intrigue. Perhaps they may take their Views of Succession from Oliver, who thô he had no Pretensions to the Blood Royal, yet by his Interest in the new modeld Army, & the Parliament which he pack'd to his Purpose, he Usurp'd the Government during the Confusions of the Nation and was supported by France in Consideration, of his Joyning with  
that

that Crown against the House of Austria; so that for his Sake, the present French King banish'd the Royal Brothers out of all his Dominions, tho' their Mother was a Daughter of France, & Lewis's own Aunt. Such a Precedent as this, may serve Visionary Traitors who are remarkable for Trick & Confusion to build false Schemes upon, & No body can say but the Arguments Advanc'd in Many places of their Book give Ground enough for such a Conjecture. Never any Syttem did yet appear so full of Contradictions, & opposite Schemes for Titles to the Crown as this Medly which they have Impos'd upon the World on Pretence of maintaining Hereditary Right.

We come next to the Reign of Edward the VIth. He succeeded his Father by Virtue of the Statute, & I believe is the only Prince to be found in English History that ever Pretended to dispose of the Crown by Will, without a previous Consent of Parliament; he design'd indeed to have had their Ratification, but did not live to Accomplish it. I would not reflect on the Memory of that Excellent Prince, but he was certainly misled, thro' Inadvertency common to Youth, by the Influence of the Duke of Northumberland, & other Great Men, who prefer'd their particular Interest to that of the Publick. By this Passage however, we gain some Important Observations, that won't be very acceptable to our Authors & their Directors. It is plain, that this King & his Court, did not think Hereditary Right Divine & Indefeasible, but were of Opinion, they might Lawfully Exclude a Popish Successor. It likewise informs us who were the Principal Men, that forg'd Henry VIIIth's Will in Favour of the House of Suffolk; but one would think the deplorable Fate of the Lady Jane Grey who was advanc'd to the Throne because a Descendant of that Family, should have hinder'd our Authors from harping again upon that string, or proposing Testamentary Dispositions in Contradiction to Parliamentary Settlements.

The next Successor is Queen Mary, who succeeded according to the Statute. Her bloody Reign, is enough to deterr all Protestants from advancing a Popish Successor, the Suffolk Gospellers as they were then call'd, may serve as a warning to every Church of England Man, to beware of such Credulity, as prov'd so fatal to their Predecessors; or if this Instance be of too old a Date, they may remember how well King James the II. rewarded our Bishops & other Church Men, who hinder'd the Bill of Exclusion from passing against him. We return to Queen Mary.

Tho she had seen the ill Consequences to her Self of Disposeing the Crown by Will or Patents, Yet she very unnaturally contrary to the Laws of Succession, got her Sister Elizabeth once more declar'd Illegitimate, & press'd for an Act to ratify all the Patents that she her self should grant for so many Years to come, but it was oppos'd in the House of Commons, where one of the Members said honestly & boldly, that he would vote for no such Bill, because at that Rate, her Majesty if she had no Issue, might grant the Crown to her Husband the King of Spain, & his Posterity by any other Wife, says Dr. Kennet, in his History of that Queen. What that Gentleman said, is enough to shew the Danger of impowering a Prince to Dispose of the Crown by Will or Patent, since it is easy to Impose upon Sovereigns as well as others, or to trump up a forg'd Will after they are Dead. Europe knows by dear bought Experience, how much Treasure & Blood such a pretended Testamentary Disposition by King Charles the II. of Spain has cost them, and Nothing but the Providence of God, can hinder it from ending in the Ruin of the Protestant Religion, and the Common Libertys of Christendom.

I shall say no more of this hatefull Reign, but that by the Articles of Marriage, betwixt her & King Philip confirm'd by Parliament, she Several Crowns & Territorys of that Monarch were Settled, Part on Charles the Infant of Spain, & part on the Issue of the Intended



ded Marriage, which makes it evident, that other Nations besides England, did by the Consent of the States Dispose of Crowns & Successions, otherwise than according to the Ordinary Course of Descent.

Queen Elizabeth succeeded, like a Serene Calm after a Tempest, The Protestants were so sensible of it, that Mr. Hales in an Oration deliver'd to her Majesty upon her Accession to the Throne, said " it was the greatest Blessing that ever God had bestow'd upon England, to deliver it from the Tyranny of malicious Mary, *who was not a Woman but a Monster, & the Devil of Hell cover'd with the shape of a Woman*, and that those employ'd by her design'd to extirpate the English Nation, & bring it under the Dominion of the Spaniards. Her Tools, he calls unnaturall Tormentors, & false Christians who not only aim'd to be Lords, of the Lives & Estates of their Brethren, & Country Men, but over their Souls & Consciences; forceing every Man, Woman, & Child, to deny Christ & his Gospel. He adds, That her first Parliament which lay'd the Foundation of her Tyranny, was no Parliament, but a Conspiracy of Tyrants & Traitors, false to God, & Enemys to their Country, she took sayes he, by Force & Violence the Libertys from the People, so that they could not according to the Ancient Laws & Customs of the Realm, have their free Election of Knights & Burgessees for Parliament, because she well knew, that if either good Christians or true Englishmen should be elected, it would not be possible for her to succeed in what she intended, Therefore in many Places such Members were chosen by force of her Threats, as were most fit for her malicious Purposes, many who were Legally chosen, were unlawfully put out, & Abundance of Illegal Returns made, for which Cause, sayes he, that Parliament is void, as by Precedent of a Parliament held at Coventrey the 38th. of Henry VI. Appears.

This Oration may be seen at large in Foxes Martyrology Vol. 3d. & of the same Opinion were all the Protestants  
of

of that Time. By this Instance we may see, that Packing of Parliaments by Force & Bribes has been the old Method of Introduc'ing Popery & Slavery into England.

In the first Year of Queen Eliza: the Parliament Cap. IIIId. " Recogniz'd her Title according to the Statute " made in the 35th. of her Father, Invested the Crown " in her and the Heirs of her Body, & enacted that the " Limitation made by that Statute should stand & remain " as Law for ever, and all Sentences, Judgments, & " Decrees to the Contrary were declar'd to be void, & " appointed to be cancel'd.

In the 13th. Year of her Reign Cap. I. 't was enacted, " That if any Person claim Title to the Crown, for him- " self or any Other during her Life, or shall not upon " Demand acknowledge her Right, he shall be disabled " during his Life to have the Crown in Succession, as if " he were Naturally dead, and to affirm Right of Succes- " sion in such Claimer or Usurper (after Proclamation " made of such Claim or Usurpation) is declar'd to be " Treason. Nor does the Parliament stop here, but " makes it Treason during the Life of the Queen, & " Forfeiture of all Goods & Chattels after her Decease, to " affirm, that the Queen by Authority of Parliament is " not able to make Laws & Statutes of sufficient Force " & Validity to Limit & bind the Crown of the Realm, " & the Descent Limitation, Inheritance, & Govern- " ment thereof, or that this or any Other Statute made " by Parliament with the Queens Assent, is not or ought " not to be for ever of sufficient Force to bind & go- " vern all Persons, their Rights & Titles that may " claim any Interest or Possibility in or to the Crown, " in Possession, Remainder, Inheritance, Succession, or " otherwise.

In the 27th. of her Reign Cap. Ist. It was enacted " that " if any Invasion was made, or Rebellion or other Thing, " tending to the Hurt of her Person, by, or, for, or " with the Privy of any one who should, or might pre- " tend

" tend Title to the Crown , & the same should be ad-  
 " judg'd in such Manner as this Law appoints: Then every  
 " Person against whom, such Judgment should be given,  
 " should be excluded & disabled for ever to have or Claim  
 " the Crown, & that the Subjects of this Realm Law-  
 " fully might by all forceable and possible Means pursue  
 " all such Offenders: And their Issue's Assenting, or pri-  
 " vy there to , are in like Manner disabled, & to be  
 " pursued by this Statute.

It is to be observ'd , That this Act was made in Pur-  
 suance of an Association Voluntarily, enter'd into by the  
 People, during the Vacancy of Parliament, out of their  
 Great Zeal for preserving the Life of that Excellent Prin-  
 cessle against the Plots of Mary Queen of Scotland, the  
 then Popish Successor , & by Virtue of this Statute the  
 said Queen Mary was afterwards executed, as appears  
 by the Commission for her Tryall exhibited in Strang-  
 way's History of that Queen fol. 179.

Any man who will cast his Eye upon Sr. Simon D'E-  
 wes Journal of Queen Elisabeth's Parliaments , may find  
 the Reasons Urg'd in both Houses for the Execution of  
 that Queen , and particularly those of the Bishops. A  
 full Proof, That the Church of England at that Time,  
 thought it not only Lawfull to exclude , but to exe-  
 cute a Popish Successor for Treason against the Prince  
 in Being. This is enough to make such Protestants  
 blush , as are for an Attainted Impostor who came  
 with a Force to Invade & Dethrone her Majesty.

Now here are four Successive Hereditary Princes or we  
 may call them five , since our Authors say, that Henry  
 the VII<sup>th</sup>s. Queen made him one, who own'd the Power  
 of Parliaments in settling the Crown, & Disposeing of  
 it by their Consent , out of the ordinary Course of  
 Succession. And here we have two Protestant Princes  
 for Excluding Popish Successors, one of whom, Queen  
 Elizabeth cut off for Ploting against her Person & Go-  
 vernment.



To which of the Saints then will our Authors & their Faction turn themselves, for their Doctrines of Indefeasible Hereditary Right, & Unlimited Passive Obedience? Not to the Jewish or Christian Saints in Scripture, for they know Nothing of it; not to the Popish Saints, for it's plain by the Preceding History that they understood it as litle; not to the Protestant Saints of the Church of England, for, Bishop Ridley, one of her Martyrs preach'd against Queen Mary's Succession at Pauls Cross, & no Doubt all the Protestants in General would have been against it, and repented their not having oppos'd it, as no doubt they would, had not her Succession been establish'd by Law, or had King Edward the 6th. liv'd to have got it Repeal'd by Parliament, & the Crown settled on the Lady Elizabeth, instead of the Lady Jane Grey. This removes the Objection, that the Suffolk Protestants declar'd for Queen Mary, tho' they knew her to be a Papist, for they were oblig'd by Law to do it, but they help'd themselves as well as they could and made Terms with her, tho' she did not keep them. Besides as the Lady Jane's Title had no Foundation in Law, it was likewise against that of the Lady Elizabeth, who being a Protestant and next Heiress to her Sister Mary, Joyn'd with her in Defence of their Common Interest, This makes the Case of the Protestants then, quite different from what it is now. But, the Practice of Queen Elizabeth & her Parliaments, when the Church of England was fully settled, gives us a better View of her Principles with Respect to those Points, than we could possibly have before; & what they did with Relation to a Popish Successor, & assisting the Protestant subjects of Scotland, the Netherlands, & France, not only in Resisting, but in Revolting from or deposing their Tyrannical Princes, we have heard already.

Having mention'd a Voluntary Association by the People in Defence of Queen Elizabeth & that it was  
after-

afterwards confirm'd by Parliament, in the 27th. of her Reign, it is proper to observe that this Commendable Practice was follow'd in the Reign of the late King William for the Defence of his Majesty's Title & Person, & of the Succession on her Present Majesty, & the Heirs of her Body &c. according as the same was settled by the Convention of States, & by an Act of Parliament, in the first Year of William & Mary, Intituled *an Act declaring the Rights & Libertys of the Subject, & settling the Succession of the Crown*. One would think, An Act for such an Association in Defence of her Majesty's Title and Person, & of the Hanover Succession, seems to be as Necessary now. My Reasons are, that we have had many Treasonable Addressee's, which set up the Hereditary plea, against the Parliamentary Right of Succession. Nor has the party stop'd here, but have expresly in Pamphlets, such as the Conduct of the Allies &c. insinuated, that there might be a Necessity for setting aside the Hanover Succession, & now are so bold, as to declare openly for the St. German's Pretender, & insult the Government every Day. To this we may add the repeated Accounts of Forreign Preparations to Impose him upon us by Force, besides, Informations of Troops being list'd for him in the British Dominions, and the Readiness of the Scots Jacobite Highlanders to second their Treasonable Addressee's by Arms. We know also what Impudent Threatnings have formerly & of late drop'd, from the Pen of that Bare fac'd Incendiary the Examiner, who wrote against the Peoples mentioning the Hanover Succession in their Addressee's. All these Things seem to make it absolutely Necessary that such an Association should be encourag'd by Parliament. We have no Reason to doubt of her Majesty's Concurrence, who has so frequently giv'n her Royal Word for it, that she has Nothing so much at Heart as the Hanover Succession, & to be sure the Ministry will not oppose it, since they are not only oblig'd in Duty to concur with her Majesty's most Gracious

cious Sentiments, but stand engag'd by the Addresſes they promoted which expreſs'd ſo much Zeal for the Hanover Succeſſion, when then they firſt enterd upon the Adminiſtration.

I ſhall only add upon this ſubject, that the Nation has a Right to Demand, & expect from their Repreſentatives, that the Hanover Succeſſion may be effectually ſecur'd to them, againſt Invaſions from abroad, and Rebellions at Home and that they ſhould not be expoſ'd to ſuch Dangers, as her Maſteſty's late Illneſs did threaten them with. Great Britain has Reaſon to hope for all the Precautions which the Wiſdom of her Maſteſty and the Parliament can afford them, to hinder their being depriv'd of that Security which by the Bleſſing of God they have Ground to expect from the Hanover Succeſſion. Europe has ſmarted too much already by the Diſtance of the Preſent Emperor from the Kingdom of Spain, which gave the Duke of Anjou an Opportunity to Uſurp that Crown. And we dare be bold to ſay, that ſhe will yet ſuffer more, if by the Diſtance of the Family of Hanover from Great Britain, the St. Germain's or any other Pretender, ſhould have the like Opportunity to Uſurp our Throne. Therefore, if ſuch a Method can't be thought on, by the Queen & Parliament, for bringing over that Family, to their mutual Satisfaction, the leaſt that can be expected, is, that the Proteſtants of Great Britain & Ireland, may have the Opportunity by ſuch an Aſſociation, to expreſs their Loyalty & Affection to her Maſteſty & the Hanover Succeſſion, and we have the more Reaſon to hope for this, ſince her Maſteſty was Graciously pleas'd to tell us, in her ſpeech from the Throne, April 9. 1713. " That next to the Protection of the Divine Providence, ſhe truſted to the Loyalty & Affection of her ſubjects, & that ſhe deſir'd no other Guarrantee.

We Remember well enough, that the Guarrantee of our Confederates for the Hanover Succeſſion was op-  
pos'd



pos'd, by the Faction, when mov'd in Parliament, thô her Majesty was graciously pleas'd by her speech, June 6. 1712. to inform us, " That it was offer'd that Both " France and Spain, as well as all the other Powers engag'd in the Present War, should be Guarantees to " the Settlements mention'd in that speech, of which the " Hanover Succession was the first. By this we See plainly the Faction would not so much as concur, in that necessary Security for the Hanover Succession, which France & Spain did Offer.

The Additional security by removing the Pretender out of the Dominions of France, which her Majesty there took Notice of, has scarce been granted us, since he was remov'd no further than the Dutchy of Bar; which is a Fee of the French Crown: And we all know, how little Regard was had to her Majesty's Instances to get the Pretender remov'd from the Dominions of Lorraine, according to the Address'es of Parliament.

Such an Association then, seems to be more necessary now than ever, for that person is not the only Pretender we are to beware of, since the Authors of Hereditary Right, & those who employ'd them, have a whole Troop of others in Reserve, among whom no Doubt they have a Darling that they designe shall assert his Right & Title during out Confusions if he can secure himself of *Power enough to make it Good*, as they trickingly Word it in the 15<sup>th</sup> Page of their Appendix.

I shall adde, that as the Association encourag'd by Parliament in King Williams Time, did so much contribute to secure her Majesty's Accession to the Throne, it can't in Reason be deny'd if mov'd for now, to secure the Hanover Succession; Nor needs any Man scruple to propose it, since it is no more than what the Members of both Houses, & all those who have Places of Power & Trust stand already engag'd to by the Abjuration Oath. It is reasonable however, that the whole Nation should have an Opportunity to engage themselves

selves in this Manner since we have such pregnant Instances of the good Effects that Associations of this nature have had, for encouraging the Friends of our Religion & Liberty, & quelling the Enemy's of Both.

The first Instance is that in Queen Elizabeth's Time, when her Majesty's Life, the Protestant Religion, & the English Liberty's were in so much Danger by a Popish Successor; " The subjects then did voluntarily  
 " bind themselves by Vow & Promise to Almighty  
 " God, with their whole Power, Bodys, Lives,  
 " Goods, Children & Servants, faithfully & humbly  
 " to Serve & obey her Majesty, against all States Dignity's & Earthly Powers, & with their Joynt & particular Forces, to withstand, offend & pursue by  
 " Arms & all other Means of Revenge, all Manner of  
 " Persons, of what state soever, & their Abettors, that shall Attempt by by Act, Council or Consent, any Thing that shall tend to the Harm of her Majesty's Person, & will never give over pursuing such  
 " Persons till they, their Councillors, Aiders, & Abettors, be utterly exterminate, & if her Majesty (which God forbid) should come to an untimely  
 " Death by Means or Procurement, of any that have, may, or shall pretend a Title to the Crown, they  
 " bound themselves in the Presence of the Eternal & Everlasting God, to prosecute such Person or Persons to Death, with their Joynt or particular Forces, & to take the utmost Revenge upon them, for their utter overthrow & Extirpation, & they likewise by their Oaths upon the Holy Gospels swore, that none of them, for Respect of any Causes or Persons, should separate themselves from this Association, or fail in the Prosecution of it, on Pain of being Prosecuted & Punish'd by the R<sup>cht</sup>, for Perjury, & as publick Enemy's to God, their Queen, & their Country.

This was confirm'd by Act of Parliament, & the  
 Esta-

Estates, did take such Particular Care to make it effectual, That they appointed a Council of 24 Persons who with the Assistance of the Judges, were impower'd to enquire into all & every the Offences provided against by the said Association, & upon good Proof to pass Sentence & Judgment, upon the Offenders accordingly, & to exclude & disable for ever, those who had, or might have a Title to the Crown, for such Offences; any former Law or Statute what soever to the Contrary, in any wise Notwithstanding, and all her Majesty's subjects were impower'd by the said Act, to pursue such Persons to Death & to make this the more effectual they enacted, that No Person should be upon the Council of 24 who was known to claim any Title to the Crown. This was with a Particular View to the House of Suffolk, or those who Pretended any claim by the Plantagenet Family.

We may easily guess then what Care they would have taken, had any Body set up as many Pretenders to the Crown, as our Authors & their Directors have done, or had their been any lurking Claimant who by Falshoods & Tricks had endeavour'd to subvert a Protestant Succession, & to deprive the Nation of the Assistance of her Allies, that would have stood by them in Maintaining it, & much more, if any such Person, had Aggrandiz'd the Power of the House of Austria, who were, then, the formidable and Sworn Enemys to it.

All these Things being consider'd, there's certainly No good Briton or Protestant, who will be against such an Association in Defence of her Majesty & the Hanover Succession.

The Second Instance, is the Association enter'd into, by the Lords & Gentlemen at Exeter, when the Prince of Orange came to rescue us from Popery & Slavery, " they bound themselves in like Manner to God, the " Prince, & to one another, to prosecute the Cause " they were engag'd in, till our Religion, Laws, &



" Liberties were so far secur'd in a Free Parliament, as  
 " we should be in no more Danger of falling into Popery  
 " and Slavery; and in Case any Attempt should be made,  
 " upon the Person of the Prince of Orange, by Papists  
 " & other bloody Men, they did Solemnly engage to God,  
 " & one another, that they wold pursue those who made  
 " it, with all their Adherents, & such as they found in  
 " Arms, against the Prince, to their Ruin & Destruction,  
 " & that the Execution of any such Attempt, (which  
 " God of his infinite Mercy forbid) should not divert  
 " them from prosecuting the Cause they had undertaken,  
 " but that they would carry it on with all the Rigour that  
 " so Barbarous a Practice should deserve.

It's well enough known, how this Association did Quell the Courage of the bloody minded Papists & Jacobites, and how much it contributed to disperse their Army in which they plac'd their Confidence. We have no Reason to doubt, but an Association of the same Nature, encourag'd by Parliament, would as much dispirit the Faction who are now so Impudent, & effectually defeat the Hopes of all Pretenders, against the Hanover Succession.

The last Instance is the Association for Defence of King William, the Protestant Succession as then establish'd, on himself & the late Queen, & her Issue, & on failure of that on her Present Majesty & her Issue. The Good Effects of which have been so visible, that we need say no more of it.

The Association in Queen Elizabeths Time & the present Posture of Affairs, having ingag'd me in this Long, (but I hope not Impertinent) Digression I shall conclude this second part as follows.

We have already heard That King James the 1<sup>st</sup>. Title was recogniz'd according to the Parliamentary Intail of Henry VII. His son Charles the 1<sup>st</sup>. Succeeded by Virtue of the same Intail. Is son Charles the 2<sup>d</sup>. had his Right again recogniz'd by the Parliaments of both Nations. His Brother James the 2<sup>d</sup>. had his Succession settled by Parliament in Scotland, & succeeded by the old Title to England.

land. He was how ever Dethron'd afterwards by the Parliaments of both Nations for his Tyranny, & all that enjoy'd the Crown since have had it by Parliamentary Authority, so that I have fully prov'd, from undoubted Historys & Records, that since the Beginning of our Monarchy to this Day, no Prince ever enjoy'd our Crown, but either by Immediate Authority of Parliament, or by Virtue of Parliamentary Intails. And that the States have all along maintaind their power of resisting and dethroning Tyrants, & of settling the Crown on such Princes as they thought most fitt to answer the Ends of Government.

I have also made it evident, that even those who were Hereditary Kings did alwayes till the Union of the Crowns desire that their Posterity might have the Suecession confirm'd to them, by Authority of Parliament. A plain Evidence that they did not think Lineal Hereditary Right of Government to be indefeasible, for it is not the Practice in Common Law, for People to get Acts of Parliament to Settle their Inheritance on their own Heirs. Nay, even the French are against our Divine Hereditary Right Men in this Matter, for they allow no Kings Daughter or her Posterity to Succeed to their Throne. Upon this Maxim of State her Majesty's Ancestors, tho' the Right of Blood was theirs have been excluded ever since Edward the III. from the Crown of France, and by the late French Renunciations which our Inconsistent Faction Applaud so much, The French have Damn'd the Hereditary Right, even of Males, & allow Arms to be taken by either of the Disunited Branches of the House of Bourbon, who shall claim the Crowns of France or Spain against the other on Pretence of Hereditary Right contrary to the said Renunciations. Our Authors then are desir'd to tell us by what Arguments (contrary to all Mankind but themselv's & their party) they make Hereditary Right Divine & Indefeasible, for as yet we have only had bold Assertions without any Proof to convince us of it.

Let the World Judge then, whether the Indefeasible Hereditary, & (since they will Joyn them together) the Testamentary Succession of our Authors & their Directors, or the Parliamentary Succession, & Dethronment of Tyrants asserted by the Whiggs, have the best Title to Prescription by the Laws of God and Great Britain.

### P A R T III.

## An Enquiry whether the Parliament of Great Britain can Justly sett the Hanover Succession aside.

**I** Come now to consider the Grand Design of our Authors & their Directors, to set aside the Hanover Succession. In this they have been plain enough, & seem to have made it their chief Business to Study Methods for doing it, That those concern'd in the Plot may chuse which they think best. They found that all their Indea-vourshitherto, for Attempting it by Force were ineffectual: Their Great Champion the French King, on whose Assistance, the Jacobites did chiefly rely, was so far reduc'd by the Blessing of God on the Confederate Arms, that they despard of any Help from him during the War, but now that he has obtaind a Peace, they rack their Inventions for Methods to effect by Fraud & Force together, what they could not do by Violence alone. To this End they talk of *Cessions*, *Associations* on the Throne, Testamentary Dispositions, &c. And by their Management it would seem, they fix on the last, as what may be done with the least Noise, & may give their Lurking Claimant a better Opportunity, & more Time to accomplish his Design, & try whether he can, set up Himself, or if that be not feasible, make advantageous Terms with any Other that he finds most likely to carry it.

Having premis'd this, I come to the Subject, & hope



to make it evident, That the Parliament of Great Britain has no Right, & by Consequence no Lawfull Power, to set aside the Hanover Succession, even thô it were possible they should have her Majesty's Assent, could any Body but such Traytors as our Authors, their Directors, and others of their stamp, entertain so foolish & treasonable a Thought either of her Majesty or the Parliament.

I must therefore, protest in the first Place, That I don't write thus to give the least Countenance to that Villanous Suggestion, but enter upon the Debate, meerly to expose the Visionary, as well as traiterous schemes of our Authors, & Others of the Faction, such as the Scots Highland Addressers &c. Who have express'd their desires very plainly, that the Hanover Succession may be set aside, & *That what they call the Hereditary Right, & Parliamentary Sanction may meet in the Person of a Lineal Successor.*

In the next Place I protest, That I don't Combat that Power of Parliaments in determining Controversys about the Succession, which I have hitherto prov'd them to be vetted with, for I believe Parliaments have as much Power at present as ever, but the Case in Debate twixt me and our Authors, is of a more high & transcendent Nature, than ever came before a Parliament in Britain, & which I humbly conceive, our present Constitution puts it out of the Power of a British Parliament to meddle with.

It is known to every Body, That there's a Treaty of Union concluded betwixt England & Scotland, by the separate Parliaments of both, ratify'd by the Queen's Royal Assent, which gives her Majesty such an Estate in the Crown, as never any of her Ancestors had, so that it depends intirely upon the Treaty of Union, & in Case her Majesty have no Heirs of her own Body, is Irrevocably Intail'd upon the Illustrious Family of Hanover, so long as they observe the Conditions of the Intail, & if any one of them should happen to break the Conditions, the Crown descends to the next of the Family in the Course of Succession, as if the Person who breaks the Conditions

were actually dead, so that while there is any Protestant of that Family or their Lawfull Descendants in being, that is willing to accept the Crown upon these Conditions, & Governs accordingly, it is not in the Power of a British Parliament to transferr it to any other Family or Person, as is plain from the 2d. Article of the Union, by which her Majesty & the Parliament have ty'd up their own Hands and those of all Succeeding Princes & Parliaments of Great Britain. This 2d. Article, is the very Nexus, & Soul of the Union, it is to this alone that the Parliament of Great Britain owsits' Beeing, without which the Representatives of the two Nations, could never have met & Acted in One Assembly. This & the other Articles, which are made Irrevocable, form an Original Contract of an higher Nature than ever was made in Britain before, so that if Magna Charta, mutual Oaths betwixt the Sovereign & Subject, with Petitions & Declarations of Right at Inthronements, have always been Justly esteemd sacred & inviolable, even by Parliaments themselves, much more is this. For these were only Contracts betwixt particular Sovereigns & their own Subjects, but this is a Treaty betwixt two Independant Nations, ratify'd by their respective Sovereigns, for thô her Majesty was Sovereign of both before the Union, according to their Declarations of Right, & the Succeeding Acts of the separate Parliaments. Yet in her Political Capacity, she was as much oblig'd by her Coronation Oaths to Act the Part of two Independant Sovereigns, as if she had been two Persons.

From hence I take it to be plain, that the Hanover Succession cannot be set aside by a British sovereign and a British Parliament, without an Immediate Dissolution of the Union, which destroys the Being of both as such, & returns them to their separate Sate.

The Dissolution of the Union being thus the unavoidable Consequence of setting aside the Hanover Succession, & her Majesty having declar'd from the Throne, That she look'd upon the Union, as *greatest Glory of her Reign,* as well as *that the Hanover Succession was nearest her Heart;* we have

have Just Reason to call those Men Visionary Traytors, who do in the least flatter themselves, or others of their Kidney, with any Expectation, that her Majesty will so much as countenance a Proposal for Repealing the Hanover Succession. A Thought so Villanous that it can enter the Hearts of None but the most abandon'd Wretches, who are a Scandal to Mankind, & by expressing it, do what in them ly's, to represent her Majesty as the most Ignominious, Scandalous, & Faithless Prince that ever wore a Crown, & would make her Character blacker to Posterity, than that of Richard the 2d. Still extant in the Records of Parliament already mention'd. viz. *THAT HE WAS SO VARIABLE, SO DISSEMBLING, SO UNFAITHFULL AND INCONSTANT, THAT NO MAN COUL'D TRUST HIM THAT KNEW HIM, IN SO MUCH, THAT HE WAS A SCANDAL BOTH TO HIMSELF AND THE KINGDOM.*

The very Proposal therefore, is so bigg with poisonous & complicated Treason, against her Majesty & the Kingdom, That our Authors with their Directors, the Scots Highland Addressers & others, who have been so traitorously Impudent, as to talk of Proposing it to them, deserve to be exterminated from off the Face of the Earth, as Vipers and Pests to Kings and Kingdoms; for so King James 1st. of Great Britain did Justly call that sort of men who would Perswade Princes that they have an Absolute Power, and are not ty'd up by Law.

But further, the Representatives of the United Nation cannot meet in Parliament, without first taking a Solemn Oath to God, to maintain the Hanover Succession, so that the very Proposal to repeal it, renders the Member who shall propose it guilty of Perjury, and if such a Bill should pass the House, all those who vote for it, must be involv'd in the same Guilt, which would fix an indelible stain of Reproach upon themselves, & the Nation whom they represent: therefore those who have the Impudence to propose it by Addresses or otherwise, ought



to be punis'd with the utmost severity, for offering to bring such an Infamy upon the Nation, as would make us hatefull to all Mankind. For what less could other Nations say of us, in such a Case? Then, That we are not only the most abject Slaves, but the most Impious Wretches that ever breath'd upon the Face of the Earth, who perjure our selves to God, break the Publick Faith to one another, & Violate Leagues made with our Neighbours, for preserving the Hanover Succession. Besides, who ever proposes it must be Guilty of High Treason, according to the Statutes which make it so, to write speak or Act, against the Hanover Succession. I know it will be objected, that I argue against Freedom of speech & Debate, which is essential to Parliaments, & reserv'd to them by the Declaration of Rights. But the Answer is easy, I argue against no Freedom, but what our Constitution does not allow, what the Treaty of Union has taken from them, and what the Members divest themselves of by Oath, before they can be admitted to sit in the House. The Party may remember that King Charles the 1st. whose Memory they pretend to revere, would not allow Treason to be spoke in the House of Commons, & came with an Arm'd Force to take five Members out of it, who were charg'd to have done so. Nor did the House plead for any such Freedom to their Members, but thô they resent'd the Kings Practice as a Breach of their Priviledges, they offer'd to do his Majesty Justice against the said Members, if the Charge upon them could be made good, so that I hope Nobody will be angry with me, since I have so great an Authority for what I say.

Upon the whole then, I think there is Reason to conclude, That whoever makes such a Proposal in either House, ought to be sent to the Tower, & from thence to Tower-Hill or Tyburn, according to the Quality of the Offender: thô no sort of punishment can be Ignominious enough, for any Man, be his Quality what it will, that makes himself guilty of Treason & Perjury in  
the

the Face of Parliament. There are not wanting Examples, of Lords that have been hang'd for Villanous Crimes, of which, the first Lord Mortimer is an uncontrollable Instance, as well as the two Spencers, Father & Son, Earls of Winchester & Gloucester: Who tho' great favourites, were arraign'd in Parliament and afterwards hangd as Traytors to the Realm, & Enemys to the King & Kingdom, & tis remarkable that one of the Articles against them was, their ingrossing the Kings Ear, & Usurping his Royal Authority.

But, if notwithstanding our Laws, any Man should be so bold as to propose the Repeal of the Hanover Succession. The Houses, as the Case now stands, can not so much as enter upon the Debate, (were they inclin'd to it) without the Consent of the separate Parliaments which Establish'd it, & that is now Impossible to be had. Or, if any British Parliament, should pretend to dissolve that Succession, the People of Great Britain can no more be oblig'd by such an Act, than if it were made by a Parliament of Paris.

I know it will be objected, that to talk of the Parliaments Power being limited, is a New Doctrine, & contrary to a Maxim which some People of late have been very fond of, that the Members are vested with a full Power, and accountable to No body for the Exercise of it. But these Gentlemen may be pleas'd to know, that Parliaments as well as Kings are limited by the Law of God, & the original Law of all Government, which is the welfare & Preservation of the Society from whom they have their delegated Power; for, in Common Sense, no Nation can be understood, to give their Representatives a Power to destroy them, or which is the same Thing to subvert their Religion & Libertys.

I am not alone in this Opinion, that Great Oracle of our Law the Lord Ch: Justice Coke in his Institutes Lib. II. C. 29. F. 15. Says: " The Statute Laws, are Acts of " Parliament, which are, or ought to be, only Decla- " ratory of the Common Law, which is founded upon " Right

" Right Reason and Scripture, for we are told, that if  
 " any Thing is enacted contrary thereto it is void & Null.  
 Then certainly if any Thing can be contrary to Reason &  
 Scripture, & by consequence void & Null, such a Repeal  
 must be so, that would subject the People of Great Bri-  
 tain, contrary to National Oaths, Treaties, Leagues, so  
 many Laws in Being, & the very End of Government,  
 to Popery & Tyranny.

His Lordship likewise informs us, that it is the Privi-  
 ledge of the People of England, to give Instructions as  
 well as Commissions to their Representatives. We know  
 it was practic'd in the Reign of King Charles II. when  
 Members from all Parts were Instructed by their Electors,  
 to insist on a Bill for excluding the Duke of York from  
 the Crown, because of the Danger which threatened his  
 Majestys Life, the Protestant Religion, & English Li-  
 bertys, by the continual Plots of Papists, & Men of Ar-  
 bitrary Principles, to set up a Popish Successor. This was  
 then the General Practice, & Sense of the Nation, &  
 tho' the Court was angry with those who gave such In-  
 structions, they never offerd to prosecute any Body for it,  
 because they knew the People had a Right to it by the  
 Constitution.

This makes it plain, That Parliaments are far from ha-  
 ving an unlimited Power, which will be further evident,  
 if we consider what has been already said p. 47. from  
 the Mirrour of Justice, & the Lord Ch. Justice Bracton,  
 about the Causes why Parliaments were originally Insti-  
 tuted. To which we shall add what Sr. Hen. Spelman  
 Says in his Glossary, of the Original Constitution & Bu-  
 siness of Parliaments, in his 315<sup>th</sup>. Page, viz. " In a  
 " Folkmoot once every year, at the Beginning of the  
 " Calends of May, (as in a Yearly Parliament) there  
 " met together, the Princes of the Realm, as well Bi-  
 " shops, as the Magistrates & the Free Men, when all  
 " the Lay Men were sworn in the Presence of the Bishops,  
 " by a Mutual Covenant with one Another, to Fealty to  
 " the King, & to preserve the Rights of the Kingdom.  
 " They



” They consulted of the Common Safety, of Peace, of  
 ” War, & of promoteing the Publick Profit, Besides,  
 ” says he, a Folkmote is us’d in every Sudden Danger,  
 ” & likewise if Necessity require under the Alderman,  
 ” or Earl of every County. For then there were no  
 more Earls than Countys, as the Mirrour tells us, &  
 the Realm was divided into 39. Those Earls, says  
 he, were appointed to be the Kings Companions, to  
 take Care of their respective Countys, & to determin  
 in Parliament the Complaints of Wrongs done by the  
 King, the Queen and their Children, & of o-  
 thers, of whom Justice could not be otherwise  
 had.

By all this, it is evident, that Allegiance was Sworn  
 to the Kingdom as well as to the King, & that Parlia-  
 ments were Instituted to redress the Peoples Grievan-  
 ces, & to Joyn with the King in makeing good Laws,  
 but had no Power to give away the Peoples Rights, or  
 if their Deputys attempted it, they were like to meet  
 with very Sorry Treatment in the County Folkmotes.  
 For the Electors look’d upon it as their Right to be  
 consulted by their Deputys, in all Cases of Weight,  
 nor are there Instances wanting in our History, that  
 some Times the whole Body of the Commons have re-  
 fus’d to give their Opinion in Important Cases, till they  
 had consulted with those that sent them, & the Houses  
 have been frequently adjourn’d to give Time to do it.  
 This was so essential a Priviledge, that Horn, in his  
 Mirrour of Justice p. 282. After having mention’d the  
 first & Sovereign Abuse or Grievance viz. the Kings  
 reckoning himself to be above Law, he sayes, the se-  
 cond Great Abuse, was, that Parliaments were held  
 but Seldom, that Things were carry’d there, by the  
 Kings Creatures who durst not contradict him, & that  
 the Countys were not consulted. That the Electors  
 have this Priviledge is plain from the Writ for the E-  
 lection of Knights & Burgeses, mention’d by Cromp-  
 ton in his Jurisdiction of Courts, thus. *Ita quod, &c.*  
 i. e.

i. e. " That so the said Knights may have a full &  
 " Sufficient Power for themselves & the Community of  
 " the foresaid County, and the the said Citizens &  
 " Burgeses, may have the like for themselves & the  
 " Community of the said Citys & Burroughs, to do &  
 " consent to those Things, which then & there shall  
 " happen to be ordain'd, about the foresaid Affairs,  
 " by the Common Councill of our said Kingdom. So  
 " that for the want of such a Power, the said Affairs  
 " may not remain uneffected.

But, there is no need of insisting further upon this, the House of Commons have frequently own'd it themselves, that they are the servants & Trustees of the People, particularly in the 7th. Year of James Ist. when they petition'd the King against laying Dutys without Consent of Parliament upon Goods exported or Imported, wherein they express themselves thus. " We  
 " therefore your Majestys most humble Commons assembled in Parliament, following the Example of this  
 " worthy Care of our Ancestors, & out of our Duty to  
 " those, *for whom we serve.* The Commons did expresse the same Regard for their Electors in the Parliaments of King Charles I. & frequently in those of King Charles II. Thus, the Commons in their Address to the latter, March. 26. 1672. for Redress of Grievances said; " They conceiv'd themselves bound in Necessary  
 " Duty to his Majesty, & *in Discharge of the Trust re-*  
 " *pos'd in them, by those whom they represented,* truly to  
 " inform his Majesty of the state of the Kingdom. They us'd the like Expressions in their Addresses about Grievances the 29th. March. 1673. March. 6. 1676. & November 29. 1680.

Besides, the Thing is plain of it self, for, every Knight Citizen & Burgess has a Right to Wages, from the Countys Citys & Towns for which they serve, & at the End of every Session, they were anciently desir'd to sue out Writs for their Wages, & in diverse Countys, there were several Portions of Land allotted for

for that End. It had been well for the Nation, that Ancient Custom had continued, for then, the Members were kept in a Dependence upon their Electors, & oblig'd to be diligent in Dispatching the Publick Business, so that it was rare for a Session to last above forty Dayes, & that was the Reason, why the Commons told Richard the II. That, according to an Ancient Statute, if he absented himself perversly by the space of 40 Dayes, without regarding the Vexation, of his People, & their great Expences, they might return Home without his Leave. Prorogations were not known in those Days, without Consent of the Houses, & for very weighty Reasons. And when the Country pay'd those who serv'd them in Parliament, honest Gentlemen, had no Occasion to spend their own Estates in the Publick Service, nor had others any occasion to be Pensioners to the Court, as in the Reign of King Charles II. &c. when a Lord Treasurer said, the Members came about him at the Close of every Session, like hungry Jack Daws craving for Cheese.

It was the Constant Plea of all our old English Patriots that Members ought to pursue the Interest of those who chose them, & for that End, to keep a Correspondence with them. They ever abhor'd long Parliaments, because it gave the Court an Opportunity to corrupt Men by Places & Pensions, & this occasion'd such extravagant Expences at Elections, that in Charles II. Time, it was complain'd, that some pay'd fifteen hundred Pounds others two Thousand, & some seven Thousand Pounds to be chosen, and to be sure, they that bought so dear could not sell cheap. This gave one Occasion to say, of that Princes Pensionary Parliament, that, as they sold their Country they would likewise have sold their King, had not Lewis the 14<sup>th</sup>. trick'd them, & got the Right of Preemption. As Corruption of Manners has usually produc'd good Laws, it were to be wish'd we had more effectual ones, against Bribery in chusing & voting, & that,



that, as anciently, Suretys for the Appearance of Members were return'd with themselves, they should now hve Suretys for their Honesty to their Countrey, and that as some Burroughs were formerly excus'd from sending Members, because they were not able to pay them their Wages, none should be allow'd to take Mony or Treats for chuseing Members, & that those who make Use of Mobbs, or other indirect Methods to be chosen, should upon Proof of it, not only be made incapable of Sitting in the House, but Severely punish'd.

In Scotland the ablest Lawyers & even those who were high for Prerogative, declar'd it to be Law, that Parliaments were limited. Thus, Sr. Geo: Mackenzie objected against the Union, Propos'd by King Charles II. in 1670. " That Parliaments could not alter  
" Fundamentals, this being the Difference, betwixt  
" them & other Laws, that the latter might be al-  
" terd but the former not. Their Parliaments he said,  
" could not subvert the Constitution of any one of  
" their three Estates, viz. their Lords, Barons, &  
" Burgeses, much less all the three, and the Funda-  
" mental Libertys of the Nation, no more than the  
" Magistrates & Town Councel of a Burrough, could  
" give away the Priviledges of the Burrough, without  
" the full Consent of the People. For the Commis-  
" sioners of Shires and Bourroughs with us (sayes he,)  
" are the same as the Procuratores Universitatis are in  
" the Civil Law, & it was known that Procuratores  
" cum libera Potestate, could not alienate the Rights  
" of their Constituents, without a special Mandate to  
" that Effect. And if we consider the Commissions by  
" which they sit in Parliament, we find, it only im-  
" powers them to represent their Electors or Consti-  
" tuents in every Thing which may be Advantageous to  
" them, but not give up their Liberties, so that what  
" soever they do contrary to the welfare of those they  
" represent is Null & Void. The Power of making  
Laws

" Laws, sayes he, & taking away Libertys, are different Things, for no Man can be depriv'd of the latter, without a Crime, or his own Consent. This was so plain, that at the Close of every Parliament in Scotland, they pass'd an Act, *Salvo Jure Cujuslibet*, to prevent any Man's being wrong'd of his Right, by surprise, or Misrepresentations, that might have been made in Parliament.

Sr John Nisbit, who was also the Kings Advocate in Scotland, as well as Sr. Geo: gave his Opinion in the same Manner, that Members of Parliament, had only a Power of raising Superstructures, but not of altering Fundamentals, without Authority from those who chose them.

Sr. James Stuart, lately deceas'd, who was Advocate for King William & her present Majesty in Scotland; argues this Case strongly, both from Reason, & the Authoritys of the greatest Lawyers in Europe, in a Book call'd, *Jus Populi vindicatum*. Wherein he maintains, such Acts of Parliament to be null & void in themselves.

Nor was it in Great Britain alone, but also in France; while they had their Great Parliaments, or General Assemblies of Estates, of which, Thuanus gives us this Remarkable Instance, that in such an Assembly at Blois in the Reign of Henry III. Bodin Deputy for the 3. Estates of Vermandois, & other Deputies told the King, who was angry at many Things they said & did, contrary to his Will, " That they were commanded so to do, by those who sent them, & that they durst not disobey. The same Bodin, in his Book *de Republica*, argues this Case with a great deal of strength; that Deputies are oblig'd to do Nothing without the Consent of those that Commission'd them; in Matters of Weight. Althusius another Eminent French Lawyer; argues the same, in his Book of Politicks, yet both those Gentlemen were very high for Prerogative. Gro-tius *de Jure Belli & Pacis*, & Puffendorf *de Officio*

hominis & Civis, are of the same Opinion as to the Duty of Mandatarii or Commissioners.

Sandoval in his Life of Charles the V. tells us it was the same in Spain, & that in a Cortes held at Madrid, in the Beginning of that Princes Reign, the Procuradores, or Deputys from Several Parts of Castile, did excuse themselves from agreeing to the Supplys he demanded, because they had receiv'd no Orders in that Particular, from the Towns that sent them, & when they afterwards receiv'd express Orders not to do it, they gave his Majesty a flat Denial, & the like was done frequently, in the Reign of his Son Philip the Second.

These are only Instances of what particular Nations owe to Themselves, but the Case is much stronger on our side, where the Constitution of Parliament is founded anew on a solemn Treaty betwixt two Independant Nations, & the Scots, on the Faith of that Treaty have sunk the Number of their Representatives so much, that they are not capable of Influencing or carrying any Vote in the British Parliament, for the Preservation of the Rights, which are reserv'd to them by the Treaty, but rely intirely on the Honour of the English Nation, for the Performance of what was stipulated, therefore, since the Article of the Hanover Succession, was the very Foundation of the Union it cannot in Justice be attack'd or alter'd, without, previously consulting the Nation of Scotland, either Collectively or Representatively, or, if a Parliament of Great Britain should act otherwise, the Scots will be Justify'd by the Laws of God, Nature, & Nations, to declare the Union Dissolv'd, & are at Liberty to provide for their own security the best they can.

But Supposeing, as the Faction would fain have it, that a British Parliament should have no Regard to the Union, & that the Representatives of both Nations should offer to Repeal the Hanover Succession there's a double Barr still in their Way. The first is, that



That the Kingdom of Great Britain, stands engag'd by a Solemn Treaty with the Dutch, Joyntly to maintain the Hanover Succession, & therefore can't in Justice offer to weaken, alter, or repeal it, without the Consent of the Dutch, whose Security is concern'd in it as well as ours. For that State knows very well by dear bought Experience, in our Charles II's Time, That when the British Court is under the Influence of that of France, & concurs with them for promoting Popery & Slavery, the Ruin of their Provinces must be the Necessary Consequence. And tis Demonstrable that if the Pretender come to the Throne, he must be oblig'd to depend on France, & of Course to Act by their Direction, for he can't otherwise keep the Crown on his Head, against the Just Title of the House of Hanover, & those in Great Britain, who will venture their Lives & Estates to support it, in Conjunction with the Dutch. The Faction were so sensible of this, that by their Oracle the Author of the Conduct of the Allies, they pleaded to have the Treaty of Guarantee with the Dutch Annull'd. But since that Treaty is again renew'd, the Dutch have a Right, to see it perform'd when the Time comes, & since their All is at Stake, if it be not, we may Assure our selves, from the Known Wisdom & Justice of that Nation, they will insist upon it.

Then for the Elector of Hanover, he is under an Unavoidable Necessity, of doing his utmost to make good his Title, for the Preservation of his own Family, & Hereditary Dominions, for the French Court, with those of St. Germans, Savoy, & Spain, who all pretend a Right of Blood, antecedent to that of his Family, will never think their Pretensions secure, so long as the Family of Hanover is in any Condition to Assert their Right. Therefore, all those Powers must Necessarily reckon it their Interest, to destroy the Hanover Family. This not only Indispensibly obliges the Elector to Pursue his Title, but unavoidably engages

the King of Prussia & his Friends in the Quarrel for self Preservation, since that Family has the Reversion, according to the Present settlement, in Case the Hanover Family should fail.

This is a very great Barr against Repealing the Hanover Succession, arising from the Interests of Princes & States Abroad, which not only engages the Dutch, the Familys of Hanover & Prussia, but the whole Empire, & the Northern Crowns, to defend the Hanover Succession for their own Preservation, but, there's another Great Barr, against, the Repeal of that Succession at Home, which the Faction seems not to think of, therefore I shall take the Liberty to Insist upon it a little as follow's.

We have heard that if the Hanover Succession be repeal'd, the Nations of England & Scotland must be ipso facto return'd to their Separate State, as they were before the Union, & even in that Case, there is an invincible Barr, in the Pretenders Way, that he can never come to the Crown of either, without repealing their Particular Settlements. To make this plain, we must again put the Faction in Mind, of the Act in the second Session of the first Year of the late King William & Queen Mary, Intituled *an Act declaring the Rights & Libertys of the Subject, & Settling the Succession of the Crown*, by which it is enacted, " That all & every Person & Persons, that is,  
 " are, or shall be reconcil'd to, or shall hold Commun-  
 " ion with the See or Church of Rome, or shall profess  
 " the Popish Religion, or shall marry a Papist, shall  
 " be excluded, & be for ever incapable to inherit, pos-  
 " sess or enjoy the Crown & Government of this Realm,  
 " & Ireland, & the Dominions thereunto belonging, or  
 " any Part of the same, or to have, use, or exercise any  
 " Regal Power, Authority or Jurisdiction within the  
 " same; and in all, & in every such Case, or Cases, the  
 " People of these Realms shall be, & are hereby absolv'd  
 " of their Allegiance, & the said Crown & Government,  
 " shall from Time to Time Descend to, & be enjoy'd  
 " by such Person, or Persons, being Protestants, as should  
 have

" have Inherited & Enjoy'd the same, in Case the said  
 " Person, or Persons so reconcil'd, holding Communion,  
 " or Professing, or Marrying as aforesaid, were Natu-  
 " rally Dead.

This is made by a following Clause of the same Act,  
*to be the Law of this Realm for ever*, & in Consequence of  
 this Act & Declaration of Rights, Another Statute  
 was made in the 12th. & 13th of King William " for  
 " settling the Succession on the most Illustrious Princess  
 " Sophia Electress & Dutchess Dowager of Hanover, &  
 " the Heirs of her Body being Protestants, which the  
 Lords & Commons did oblige themselves to maintain *to*  
*the utmost of their Powers, with their Lives & Estates, against*  
*all Persons whatsoever that shall attempt any Thing to the con-*  
*trary.* So that here's a Parliamentary Association for De-  
 fence of the Hanover succession, which it is humbly conceiv'd is enough to warrant all the Protestants of Great  
 Britain & Ireland, to enter into Voluntary Associations,  
 for Defence of her Majesty's Person & Government, and  
 the Hanover Succession, as was practic'd in Queen Eliza-  
 beths Time, against all avow'd, or lurking Pretenders  
 what ever, which seems to be very Necessary for the Rea-  
 sons above Mention'd.

In further Pursuance of the Declaration of Rights two  
 other Acts were made in the 13th. and 14th. of King  
 Williams Reign, one for attainting the Pretender, &  
 making it Treason to correspond with him, or assist him  
 with Money. And the other, obliging all Persons in Pla-  
 ces & Posts, & the Members of both Houses to abjure  
 the Pretender, & to maintain the Hanover Succession.  
 These were the Laws made in King Williams Reign, to  
 secure the Protestant Succession in Pursuance of the De-  
 claration of Rights. It was upon this Foot her Majesty  
 receiv'd the Crown, & swore to preserve & maintain those  
 Laws; Her Majesty in Pursuance & confirmation of them,  
 did in the first Year of her Reign, give the Royal As-  
 sent to an Act for enlarging the Time for taking the Ab-  
 juration Oath &c. and for further securing the Protestant



Succession in the House of Hanover, making all Attempts against it high Treason, as formerly. In the 4<sup>th</sup>. Year of her Reign, she gave the Royal Assent to an Act, for Naturalizing the most Excellent Princess Sophia, & the Issue of her Body, & all Persons lineally descending from her, exclusive of such of them, as should become Papists.

Her Majesty in the 4<sup>th</sup>. & 5<sup>th</sup>. of her Reign, gave the Royall Assent to Another Act, for securing the Hanover Succession, according to the former Acts, & making the same Attempts against it Treason, as before. In this Act, the Justices are appointed to take Care of the Administration, in the Name of such Protestant Successor of the Hanover Family, as shall have the Title at her Majestys Death, untill such Time as the said Successor arrive in England. The Lords Justices there appointed, are, the Lord Arch-Bishop of Canterbury, the Lord Chancellor or Lord Keeper, the Lord High-Treasurer, the Lord President of the Council, the Lord Privy Seal, the Lord High Admiral, & the Lord Ch. Justice of the Queens Bench for the Time being, & if any of these Offices be in Commission, the first in the Commission shall be one of the Lords Justices; & the Protestant Successor of the House of Hanover, is impower'd at any Time during her Majesty's Life, by three Instruments under his or her Hand & Seal to appoint so many Natural Born Subjects of England, as she or he shall think fit, to Act with the above mention'd seven, as Lords Justices of England.

These were the Particular Securitys, provided by the Laws of England for settling the Succession in the Protestant Line, & excluding all Popish Branches from the Throne for ever, & these Laws being founded on the Declaration of Rights, are become the Inheritance of the People of England, & their Undoubted Rights, & Libertys, upon agreeing to which, they did by their Representatives most humbly & faithfully submit themselves, their Heirs, & Posteritys for ever, to the late King William

iam & Queen Mary, & their Protestant Successors. From whence it is plain, That a British Parliament has no Power to alter, or repeal the Hanover Succession, & if they should notwithstanding pretend to do it, the Kingdom of England returns Immediately to its Separate State, & all these Laws stand in full Force & Effect, as before the Union, & being made the Basis & Foundation of the English Government at the Revolution, cannot be repeal'd by any Act of Parliament, no more than Magna Charta.

The like is to be said for Scotland, which brings me to inquire how the Laws stood there before the Union with relation to a Popish Successor. In their Declaration of Rights, the very first Cause why they declar'd the late King James to have forfeited his Crown, was, " his  
" being a profess'd Papist, his assuming the Royal Power,  
" & acting as King without taking the Oath requir'd  
" by Law, in which every King at his Accession to the  
" Government, was oblig'd to Swear to Maintain the  
" Protestant Religion, & to rule the People according to  
" their Laudable Laws; by which no Papist could be King  
" or Queen of that Realm, nor bear any Office therein,  
" nor could any Protestant Successor exercise the Royal  
" Power, till they had sworn the said Coronation Oath.

It was upon that Declaration of Rights, & Coronation Oath, that her Majesty accepted the Crown of Scotland. So that if Scotland be return'd to its Separate State, as it must unavoidably be, on the Repeal of the Hanover Succession, No Parliament can repeal that Declaration of Rights, and the Family of Hanover being the next Protestant Heirs, must succeed of Course to that Crown, by the former Laws of Succession.

Upon the whole, then we have Just Reason to call those Men Visionary Traitors, who entertain such an Ignominious Thought of the Parliament of Great Britain, & her Majesty, as if they were capable of receiving a Motion, or passing an Act, that would involve them in such Notorious Perjury, & pull up the very Foundations of Go-

vernment in both Kingdoms, to which the People, have an Unalienable Right. The Faction then may retire with their Dreams, of Cessions, Renunciations, Associations on the Throne, & Testamentary Dispositions, contrary to the Hanover Succession, to the Bottomless Pit where they were hatch'd for they can never impose them on the People of Great Britain, without reversing the Declarations of Right, in affirmance of which the Acts for settling the Hanover Succession were made, & from which the Protestants of the Nation will never depart. I shall here put the Leaders of the Faction in Mind, That there are many Instances in the History and Laws of England, of Great Men's being attainted & executed as Traitors for endeavouring to subvert the Constitution, & if they think to pack a Parliament for their Purpose, by Invasions, Mobbs, & Rebellions, with a Popish or any other Pretender at their Head, they may remember what was objected against the packd Parliaments of the Popish Queen Mary, & against that at Coventry in the 38th. of Henry VI. which by another Parliament in the 39th of his Reign, Cap. 1. was declar'd, to be no Lawfull Parliament, *but a DEVILISH COUNCEL, which design'd the Destruction, & not the Welfare of the Kingdom,* wherefore all that they did was declar'd void and Null. They may assure themselves that the Brittish Protestants, will treat any Mobbish Convention which the Faction may assemble, in the same Manner.

There's Another Instance in Hen the VIth's Reign which I would advise the Leaders of our Jacobite Mobbs to consider, it is that of Jack Cade, a Tool to the then Pretender Richard Duke of York, encourag'd by the French King, who thereby had an Opportunity, of recovering what he had formerly lost in War against the English. This Fellow, that he might procure himself Authority & Esteem among the Mobb, fill'd the Nation with Complaints against the Men in Power, pretended all Things were out of Order & needed Reformation, upon which his Followers call'd him *John Amend All.* Being thus  
 Suc-



Successfull in his first Attempts, he thought proper for acquiring the more Authority to assume the Great Name of Mortimer, alledging that he was a true Branch of that Family, & Cousin to the Pretender Richard. His Pre-text was to deliver the People from Extortioners, or, (in our Modern Dialect) the Plunderers of the Nation. Having by these false Pretences & cunning Tricks, made a Great Sedition & Insurrection, he took Royal Authority upon him, presented to the Parliament Complaints in Name of the Commons, against heavy Taxes, by which he said the Nation was oppress'd, demanded that the Favourites who as he alledgd shar'd the Revenue among them, might be remov'd, & that the Pretender, with others whom he thought fit, should be receiv'd into Favour, & the Instruments of Exortion, turn'd out of their Places, that such & such Persons should be disgrac'd & Executed & particularly the Lord Say. These Demands were sent from the Commons to the Lords, & the King was advis'd to reduce the Rebels by Force, but the People were so deluded, by Cade, that the Court was abandon'd, thus the Traiterous false Mortimer defeated those sent against him, & by Correspondence with the Mobb, in the City, became Master of London, cut off whom he pleas'd & instead of delivering the Nation from being plunder'd, prov'd the Greatest Plunderer himself. Upon this the deluded People returning to their Senses, abandon'd their, upstart Mortimer so that he was forc'd to fly, had a Price set upon his Head, & was at last killd by a Gentleman to whom he refus'd to surrender. His Head was set upon London Bridge & his Quarters dispers'd in Kent, which had been the principal Scene of his Rebellion. The Parliament of the 31<sup>st</sup>. of Henry VI. Cap. 1. Characterise him, thus; "A most abominable Tyrant, horrible, Odious, & errant false Traitor, whose Name, Acts & Feats, ought to be remov'd out of the Speech & Mind, of every faithfull Christian Man for ever. They likewise enacted". That all

" Indictments in Time comeing & in like Case, under  
 " the Power of Tyranny, Rebellion, & Tumults, should  
 " be of no Regard, nor Effect & all Petitions deliver'd  
 " by him, & his Accomplices, to the King & Parlia-  
 " ment, in the preceding Years, should be Annul'd &  
 " destroy'd for ever.

The Faction, & their Leaders, who meditate a Rebellion, for the Pretender, may see their own lovely Features in this Glass, & a Prospect, of what may probably be their Destiny;

I return to the traiterous Design they talk of, to attack the Hanover Succession in Parliament. By the Scheme which the Authors of Hereditary Right lay down, it would seem they think that an Act for Liberty to dispose of the Crown by Will, is like to be the most Safe & effectual; but they may be pleas'd to take Notice That it is equally treasonable to attack the Succession by Fraud as by Force, & we have no Reason to doubt, but her Majesty & the Parliament, will resent it as highly, if any Man has the Impudence to propose it, even thô he should produce Instructions for it. But I believe none, unlesse some of our Highland or Welch Addressers, would have the Boldness to Offer instructions of that Nature, since it is contrary to the repeated Sense of the People of Great Britain, who in so many Parliaments, have layd the Nation under Publick Oaths to Maintain the Hanover Succession, which makes such Instructions, or Proposals, no less than High-Treason.

I expect an Objection, that I am now arguing for an Indefeasible Hereditary Right, which I have all along condemn'd, but if any Body object this, They quite mistake me; I only Argue against taking away a Right establish'd by Laws, Treatys, & Oaths, notify'd to the House of Hanover by Embassys, on our Part, & accepted in the same Manner on theirs. This makes the Hanover Succession Irrevocable; untill there be a Forfeiture on their Part, and in that Case the very Laws which gave it, take

it away from the Person who forfeits his or her Right, so that if any King or Queen of that Family, breaks in upon our Constitution, settled by the Declaration of Rights, & posterior Acts, or shall turn Papist, or marry a Papist, then the Law absolves us from all Allegiance to them, & the Crown descends to the next Protestant of the Family. But this is not the Case now, nor, I hope never Will, none of the Family of Hanover has done any Thing to forfeit the Right, which is so solemnly vested in them: And as no Parliament ever Yet pretended to take away a private Man's Right; without being previously convicted of a Crime, it is never to be presum'd that they will offer to take away the Right of that Family to Govern us, according to the Parliamentary Intail, nor our Right to be Govern'd by them. It is a Privilege allow'd to the Meanest subject in Britain, to be heard what he has to say, when any Body claims his Estate, & since that Privilege, can't in Justice be refus'd to the Hanover Family, & the British Nation, who have an undoubted Right in one another, they have very good Cause to demand a Hearing, before Judgment be pass'd & when it once comes to that, we may easily guess at the Consequence. Whoever takes upon them to be Judges in this Case, must be sure to produce their Commission, & expect to have it thorowly Canvass'd, of which I shall say no more, but leave the Faction to think on the Rest.

Some of them we know have a Whim in their Nodles, & are bold enough to talk on't, That the Hanover Succession may still be repeal'd, because of the Clause in the Act of Settlement, which makes it Criminal for any Body to say, " That the Kings or Queens of this Realm, " with & by the Authority of Parliament, are not able to " make Laws & Statutes, of Sufficient Force & Validity " to limit & bind the Crown, & the Descent, Limitation, Inheritance & Government thereof, but Common sense may tell them, that this Clause is nothing to their Purpose, on the Contrary it exposes them to the  
pe-



Penaltys, since they question the Power by which the Succession is settled, otherwise they make the Act to contradict it self, & to unsettle by this Clause what's Irrevocably establish'd by the Body of the Statute upon the Conditions there Prescrib'd.

But, had there been any Doubt in that Matter before, it is fully remov'd now by the Treaty of Union, & by the Acts of the United Parliament since, for the further security of the Hanover Succession, and Appointing the Oaths for Maintaining it. To this the Nation has Sworn & can't, go back, God himself is made a Party to it, & the Sacred Depositum is lodg'd in his Hands, who has solemnly declar'd, that he will not hold them guiltless that take his Name in Vain.

It is fit to Observe here that the Faction by their project of Disposing the Crown by Will, would make us greater Slaves than the very French, for no such Thing is allow'd in that Arbitrary Government. This is plain by the Instance of their last King Lewis the XIIIth. He pretended by his Will, to appoint a Regency during the Minority of his Son, the present French King, but it was oppos'd by the Grandees, as being of No Validity, & therefore Never put in Execution, as the Duke of Rochfocault tells us in his Memoirs.

And as these Men who talk thus, are greater Slaves than the French, they are less concern'd for their Church & Religion, tho' their Pretensions run high for both. I shall therefore conclude with some Instances to prove that other Nations besides ours, have rejected Kings because they were not of the Establish'd Religion.

The Ist. Instance is that of France, whose Customs in other Respects the Party is so fond of. Two French Parliaments, or as they call them, General Assemblies of the States, rejected Henry IV. because he was a Protestant, & would never receive him as King, till he renounc'd his Religion, tho' he was next in Blood, & a Prince of such  
ex-

extraordinary Endowments, that all Europe admir'd him.

The next Instance is Poland, where they admit none to be Kings but Papists, & on that Account, King Augustus their present Sovereign, was oblig'd to turn Papist, before he could be Admitted to their Throne.

A III<sup>d</sup>. Instance is that of the Empire, where by the Golden Bull, none but papists can mount the Imperial Throne. The Party would do well then to give us a Reason, why we should not be as Zealous for our Religion, which is founded on the Word of God, as Papists are for theirs, which is meer humane Invention. By this we may see, how unfairly, the French & other Papists Argue, when they blame us for excluding our Popish Line, for which we have such Precedents, by their own Practice, as fully Justifys the Equity of ours.

We have likewise an Example, from the Protestant Nation of Sweden, who dethron'd their King Sigismond for being a Papist, made Prince Charles his Uncle, who was a Protestant, King, & declar'd all Papists incapable either of obtaining or Keeping their Sovereignty. This was the Reason, why their Queen Christina, upon her Resolution to turn Papist, chose to demit her Crown, before she openly profess'd her self of the Roman Communion, because she knew, that Immediately upon such a Declaration, she would have been dethron'd, as well as Sigismond. By this artfull Piece of Conduct, she not only prevented that Disgrace, but procur'd a larger Allowance, than its probable she would have obtain'd, had the Cause of her Demission been publickly known. Yet she was an Hereditary Princess, & Daughter to the Great Gustavus Adolphus, who had merited so much of Sweden, & indeed of all Europe.

But were there no such Precedents, the dear bought Experience of Great Britain & Ireland, which have suffer'd so much by Popish Princes, is enough to demonstrate the Necessity of it. These Nations have found by too many Experi-

periments, That no Oaths or Promises from Popish Princes, & that no Laws, how good soever, nor the Greatest services done to such Princes, can be any security to Protestant Subjects, for the very Principles of the Popish Religion, make void all Obligations towards those they call Hereticks, and think themselves bound in Conscience to destroy; There can be no Greater Evidence of this, than the Practice of Lewis the 14<sup>th</sup>. He was under as great Engagements, by Law, Promise, & Merit, to his Protestant Subjects, as a Prince could be, & freely own'd it oftner than once, yet we know how easily he broke through all those ties, and continues still, to persecute his Protestant Subjects, with the utmost Barbarity, tho' as he ow'd his Crown to Protestants at first, he is now indebted for the conservation of it, & to the vast Accession of Power & Wealth to his Family by Spain & the West-Indies, to Protestant Princes & States. From all this it is evident that there's no trusting to Popish Princes, for be they ever so much oblig'd or so generous & well dispos'd of themselves, to do Justice to their Protestant Subjects, it is not in their Power. The Authority of the Church of Rome, & the Dominion which Priests, & particularly Confessors exercise over their Consciences, make them believe it their Duty to Circumvent all Protestants by Fraud & destroy them by Force.

This brings me to another Plea insisted on by the Faction vizt. That the Pretenders turning Protestant removes the Cause of his Exclusion. But were his Conversion true, of which we have not yet had the least Proof, They will find themselves in a Mistake, for the Words of the Acts, which establish the Hanover Succession, exclude all those who were Papists at the Time (& such he certainly was) without any Reserve for them, if they afterwards turn'd Protestant. No body can deny this, to be Just, for we all know, that his pretended Father was allow'd to dissemble his Religion, untill such Time as he thought he might take of the Mask with Safety. And its well enough known,



known, that the Church of Rome not only allows, but commands, and pretends to hallow Diffimulation in Cases of much less Importance, than that of obtaining a Crown, in Order to promote the Romish Interest. Besides, they who talk so much of his being a Protestant, make him only one of Leslys Stamp, which is no better than a French Papist, as appears by that Authors Pontificate & Regale: But further, were the Pretender really a Protestant; it could be of no weight in this Case, there are so many other Barrs in his Way, for in the first Place, there are such Objections to his Legitimacy as never have been, nor never can be answer'd. In the Next Place, he stands attainted for usurping her Majesty's Titles, & has again & again, incurr'd the Penaltys of High Treason since that Time, by attempting to dethrone her Majesty with an Arm'd Force, & asserting his Title in Opposition to hers, during the late Treaty at Utrecht. In the last Place, could his Legitimacy be prov'd which is utterly Impossible, he is excluded by the Forfeiture of his Pretended Father, according to former Precedents in both Nations, in the Cases of the Houses of York and Baliol. This left the Thrones vacant at the Time of the Revolution, when that Objection was remov'd, as to the Princesses of Orange & Denmark, who were rehabilitated by the Conventions & Parliaments of both Nations, because they were Protestants, & that they as well as the Princes their Husbands, concur'd in delivering us from Popery & Slavery.

The French Court has as little Reason as any in Europe to find Fault with this Settlement, because their present Line came in by the Exclusion of that of Lorraine, which they pretended was unworthy of the Crown, tho' undoubtedly next in Blood.

Upon the whole then, those Men ought to be had in the utmost Abhorrence, as Traitors to God & their Country, who would attempt the Hanover Succession, either by an open Repeal, or by any fraudulent or forcible Method,  
since

since as her Majesty graciously told us from the Throne; *all that is dear to us, must be irrecoverably lost, if ever the Designs of a Papish Pretender, bred up in the Principles of the most Arbitrary Government, should take Place.* Nor is it we alone, but all Christendom must run the same Risk, if the House of Bourbon, which is now possess'd of France, Spain, & the West Indies, should ever be able to place a Deputy on the Throne of Great Britain.

### P O S T S C R I P T.

Since the composing of what's above, I have seen the Copy of a Treasonable paper avowedly handed about by the Jacobites in Scotland. It is a sort of a Manifesto by the Pretender Intituled, *The Kings good Intentions & Sentiments by one fully Instructed.* A full Proof of a Treasonable Correspondence betwixt the Impostor & the Faction there, & of their being upon the Wing for a Rebellion.

This Paper however, baffles their Argument from his Conversion, for there he says, " If he should declare " himself a Protestant, very few of his Friends would believe him, & his Enemy's would be sure to turn it against him, not only as a Mean and dishonourable, but " also as a dangerous Diffimulation. No doubt but some of the Scots Lords &c. can give a full Account of this if they please, especially such as, have abjured him, and yet drink his Health by the Name of King James the 8th.









